

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 21, 2005  
Tuesday, 9:12 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Mayor Mayans gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the June 14, 2005 meetings were approved 7 to 0.

AWARDS AND PROCLAMATIONS

Service Citation Awards Mayor Mayans recognized the following people for their years of service with the City of Wichita and presented each of them with a plaque:

Twila Brown, Taylor L. Levins, Russell B. Rose and Ronald D. McCormick.

PUBLIC AGENDA

**GLENN THOMPSON** **GLENN O. THOMPSON, EXECUTIVE DIRECTOR, STAND UP FOR KANSAS-THE ECONOMIC AND SOCIAL IMPACT OF A CASINO IN SEDGWICK COUNTY.**

Glenn Thompson Mr. Thompson stated that he is with the statewide coalition, which opposes gambling and that this coalition was formed in 1993. Stated that he has read nothing on the results of two consultant studies completed last year showing the severe negative, economic and social impacts that a casino would have on the City of Wichita, Sedgwick County and the surrounding region. Stated that last week he presented a letter to the Sedgwick County Commissioners that was signed by 24 business leaders, expressing their concerns on the proposed Park City Casino. Stated that many Wichita citizens are upset that City officials are considering an x-rated adult only casino in downtown Wichita, including converting the Century II complex into a casino. Stated that he was surprised to read that the City staff is preparing a draft request for proposal (RFP), for a consultant to assist in choosing a developer for a downtown casino. Stated that the need for a draft RFP at this time is questionable. Stated that first the state legislature has not passed a bill permitting a casino in Sedgwick County or any other county and if such a bill is passed and the Governor signs it, the casino would be owned and operated by the state. This is the only way the casinos can comply with the state constitution. Stated that the state not the city or the county, will prepare and publish the RFP for the casinos. The state, not the city or the county will evaluate competing proposals and select the winners, so why is the City staff preparing an RFP. Mr. Thompson stated that a casino in downtown Wichita would be a regional casino and not a destination casino and that most revenue would come from Wichita, Sedgwick County and the surrounding counties. Stated that the casino would export at least 70% of the revenue, so that the net result would drain about 150 million dollars or more annually from Wichita and the surrounding region. Stated that rather than creating 1500 new jobs, the jobs would be transferred from businesses in the surrounding region to the casino. Stated that accessibility is a major contributor to gambling addiction and according to the WDDC report, and other studies, over 5,000 persons in this region will become pathological gamblers because of easy accessibility to the casino. Many citizens are opposed to a casino in Wichita or Sedgwick County and are disturbed that City officials are considering converting

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 450

the Century II complex into a casino. Stated that such a casino would have a severe negative impact on retail and entertainment businesses, individuals and families in Sedgwick and surrounding counties. Stated that once established, there would be no turning back no matter how devastating the results.

Mayor Mayans

Mayor Mayans stated that the City Council does not have a plan to open a casino in Wichita but what has happened is that there have been people who have come to the Council from our city and outside our city and have proposed different projects that they want to do. Stated that some of the Council Members have sat down with these people and visited with them. Stated that regarding Century II, there has been no developer nor has the City ever said that there would be a casino in Century II and that the media is aware of this. Stated that the Council is going to do the right thing and that their position is if that the legislature was to pass gaming in this area, the Council would want the county to be able to vote on it. Stated that the Council wants legislature to give counties across Kansas, the ability to vote and that all they are asking for is the ability to manage the challenge that would be given to them.

Mr. Thompson

Mr. Thompson stated that he is pleased to hear that the City is not considering using Century II for a casino. Stated that the whole area of state owned and operated casinos is very controversial and up at the legislature and he has spent a lot of time debating the pros and cons of the various issues. Stated that there is only two ways that you can legalize casinos in Kansas, which is state owned and Indian casinos. Stated that the problem with the state owned and operated casinos, is that the state would not only be regulating, policing, but also owning and operating the very thing that they are regulating and policing and how can the state or any organization, regulate and police the things that it owns. And that is why no other state in the United States owns and operates casinos. A casino under the present laws, in Sedgwick County would be owned and operated by the state, not the City and not the county, which would be a big concern.

Mayor Mayans

Mayor Mayans asked Mr. Thompson that as he advocates, to make sure that we do not fund education with gaming dollars because he feels it is a sad day in the State of Kansas, when we have to gamble with our children's education and we must separate and decouple these two issues and that education should be funded appropriately but certainly not with gambling.

## CONSENT AGENDA

Council Member Martz

Council Member Martz requested that item 9. be pulled for discussion.

Motion-  
--carried

Mayans moved that the Consent Agenda be approved as presented except item 9. Motion carried 7 to 0.

## **BOARD OF BIDS**

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 20, 2005.

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Lateral 366, Four Mile Creek Sewer to serve Krug North Addition - north of 21st Street North, west of 143rd Street East. (468-83789/744127/480815) Traffic to be maintained during construction using flagpersons and barricades. (District II)

WB Carter Construction - \$142,000.00

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 451

Main 16 Four Mile Creek Sewer - along Greenwich from 1/2 mile south of 21st to K-96 Hwy. (468-83803/744115/480803) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Mies Construction - \$952,656.00

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

HOUSING AND COMMUNITY SERVICES DEPARTMENT/NEIGHBORHOOD IMPROVEMENT SERVICES DIVISION: Exterior Paint

Sherwin Williams Company - \$ 66,295.00 (Group 1/Total Net Bid)

\*Estimate – Contract approved on unit cost basis.

HOUSING AND COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Window Washing and Caulking McLean Manor

Wilson Building Maintenance Inc. - \$ 35,525.00 (Group 1/Total Net Bid)

PARK AND RECREATION DEPARTMENT/RECREATION DIVISION: Furnish, Install Basketball Goal/Volleyball

Athco LLC - \$ 28,584.00 (Group 1/Total Net Bid)

Athco LLC - \$ 23,664.00 (Group 2/Total Net Bid)

Athco LLC - \$ 13,720.00 (Group 3/Total Net Bid)

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Mowers and Trailers

Suburban Equipment Inc - \$ 36,672.00 (Group 1/Total Net Bid)

Suburban Equipment Inc - \$ 8,999.00 (Group 2/Total Net Bid)

Tie bid awarded by coin toss

Turf Professionals Equipment Company - \$ 40,536.00 (Group 3/Total Net Bid)

Kansas Underground Inc - \$ 1,795.00 (Group 4/Total Net Bid)

Kansas Underground Inc - \$ 1,795.00 (Group 5/Total Net Bid)

Kansas Underground Inc - \$ 1,899.00 (Group 6/Total Net Bid)

PUBLIC WORKS/BUILDING DIVISION: Building Demolition

Minority Contractors & Consultants Inc - \$2,667,206.00\* (Base Bid)

Primary Contractor

\$ 6,000.00 (Group 1/Option 1)

\$ 3,000.00 (Group 1/Option 2)

\$ 2,700.00 (Group 1/Option 3)

\$ 2,400.00 (Group 1/Option 4)

\$ 2,500.00 (Group 1/Option 5)

\$ 2,000.00 (Group 1/Option 6)

\$ 10.00 (Group 1/Option 7)

- a) Lateral 34, Main 1 Westlink Interceptor Sewer to serve Westfield Acres Addition -south of Douglas, west of Tyler. (468-83831/744076/480764) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$34,800
- b) Water Distribution System to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (448-89853/735259/470930) Does not affect existing traffic. (District II) - \$83,000
- c) Storm Water Sewer #612 to serve The Waterfront Addition - north of 13th Street North, east of Webb. (468-83951/751395/485286) Does not affect existing traffic. (District II) - \$121,000
- d) Main 10 Northwest Interceptor Sewer - 135th Street West, 21st Street North. (468-83971/622096 /675128) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$1,520,000
- e) 24 Inch Water Main in 135th Street West from 21st Street North to 29th Street North - 135th Street West, 21st Street North. (448-89941/633960/754854) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$590,000

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 453

- f) The cost of 51st Street North from Athenian to Charles - east of Meridian. (District VI) (472-84117/765915/490-028) – Total Estimated Cost \$1,734
- g) The cost of Building Facades at 809, 811, and 815 W. Douglas to serve Kelsch's Resurvey Addition (Lots 46, 48, and Lots 50, 52, 54, 56 except the south 15 feet) - south of Douglas, west of McLean. (District IV) 472-83865/766007/491-008 – Total Estimated Cost \$120,252
- h) The cost of Facade Improvement Program at 712 West Douglas (Lot 71 on Chicago now Douglas Avenue); West Wichita Addition - north of Douglas, east of Seneca. (District IV) (472-83992 /766011/491-012 – Total Estimated Cost \$17,131
- i) Lateral 366, Four Mile Creek Sewer to serve Krug North Addition (north of 21st Street North, west of 143rd Street East) (468-83789/744127/480815) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$240,000.00
- j) Main 16 Four Mile Creek Sewer (along Greenwich from 1/2 mile south of 21st to K-96 Hwy) (468-83803/744115/480803) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$1,300,000.00

Motion--carried

Mayans moved that the file be received. Motion carried 7 to 0.

## PETITIONS

### PETITIONS FOR PUBLIC IMPROVEMENTS:

#### 535 W. DOUGLAS

#### RENOVATE BUILDING FAÇADE AT 535 WEST DOUGLAS. (DISTRICT IV)

Agenda Report No. 05-0577

On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics in the downtown area and provide an incentive for businesses to improve their property. Low interest, fifteen-year loans are provided owners of buildings with frontage on Douglas Avenue, between Seneca and Washington. Up to two facades per building can be improved with 25% of the cost up to \$30,000 in the form of a forgivable loan. The owner of a building located at 535 W. Douglas has submitted the required Petition. The signature on the Petition represents 100% of the improvement district.

The building is currently vacant. Its last occupant was a retail motorcycle shop. It was built in the 1920's by the Travel Air Company. The facade project will restore the storefront to its original appearance, with new windows and doors.

The estimated project cost is \$254,650, with \$242,650 paid by special assessments and \$30,000 by a forgivable loan.

State Statutes provide the City Council authority to use Special Assessment funding for the projects. Approval of the Petition does not relieve the owner of requirements to obtain all necessary permits and reviews by applicable City Boards.

Motion--  
--carried

Mayans moved that the Petition be approved; the Resolution adopted; the Facade Easement approved and the necessary signatures authorized. Motion carried 7 to 0.

#### RESOLUTION NO. 05-323

Resolution of findings of advisability and Resolution authorizing construction of Façade Improvements at 535 West Douglas (south of Douglas, East of Seneca) 472-84242, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 454

**REED'S COVE ADD. ASSESS A SEWER MAIN BENEFIT FEE TO PART OF REED'S COVE THIRD ADDITION, SOUTH OF 21ST STREET, EAST OF 127TH STREET EAST. (DISTRICT II)**

Agenda Report No. 05-0578

The Petition has been signed by one owner, representing 100% of the improvement district.

A portion of Reed's Cove 3rd Addition has not previously been included in a sanitary sewer main improvement district and is subject to a sewer main benefit fee. This petition allows the main benefit fee to be paid as a special assessment.

The Petition totals \$13,200. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

**RESOLUTION NO. 05-324**

Resolution of findings of advisability and Resolution authorizing construction of Main 14B, Four Mile Creek Sewer (south of 21<sup>st</sup>, East of 127<sup>th</sup> street east) 468-84034, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

**BOARDS/COMM. MINUTES OF ADVISORY BOARDS/COMMISSIONS:**

District IV Advisory Board, March 2, 2005  
Board of Code Standards and Appeals, April 4, 2005  
District IV Advisory Board, April 6, 2005  
District VI Advisory Board, May 2, 2005  
Board of Code Standards and Appeals, May 2, 2005  
District IV Advisory Board, May 4, 2005  
District III Advisory Board, May 4, 2005  
Wichita Employees Retirement Board and Police & Fire Retirement Board, May 5, 2005  
Wichita Airport Advisory Board, May 9, 2005  
Board of Electrical Appeals Board, May 10, 2005  
Wichita Public Library Board, May 17, 2005  
District VI Advisory Board, May 18, 2005

Motion--carried Mayans moved that the file be received. Motion carried 7 to 0.

**STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.**

There were no street closures to consider.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 455

## AGREEMENTS/CONTRACTS:

### **MICROFILM**

#### **MICROFILM SERVICES CONTRACT.**

Agenda Report No. 05-0579

The City of Wichita is in the process of converting from microfilm to a laserfiche document imaging system. The new laserfiche system is being implemented in all departments.

Discussions with Engineering, Planning, Municipal Court and OCI have indicated a continuing need for microfilm services for these departments who have large paperwork volume during the transition to the new laserfiche document imaging system. These departments need more time to convert from microfilm to laserfiche.

The City has a contract with Microfilm Services, which expires June 30, 2005. Rather than re-bid a new vendor contract for microfilm services, which is to be phased out by June 2006, it is recommended the City extend the existing contract for one year. The current annual City spending for microfilm services is \$47,000.

The City has \$90,000 budgeted in the 2005 and 2006 budgets for microfilm services.

The Department of Law will review and approve as to form the contract extension.

Motion--  
--carried

Mayans moved that a one-year contract extension for Microfilm Services, Inc. be approved and the necessary signatures authorized. Motion carried 7 to 0.

### **SOUTHERN RIDGE**

#### **RESPREAD ASSESSMENTS: SOUTHERN RIDGE THIRD ADDITION, SOUTH OF AWNEE, WEST OF MAIZE. (DISTRICT IV)**

Agenda Report No. 05-0580

The landowner, Maize Road, L.L.C., platted Southern Ridge 3rd Addition and has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in an improvement district for a storm water drain project. The purpose of the Agreement is to respread special assessments on a fractional basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis.

There is no cost to the City.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 456

## CDBG/ESG

### CDBG/ESG CONTRACTS.

Agenda Report No. 05-0581

On March 16, 2004, the City Council allocated Community Development Block Grant (CDBG) funds for the 2004/2005-program year. Included in the 2004/2005 CDBG allocations were funds for women's shelter services. Women's shelter services were procured through a competitive Request for Proposal (RFP).

The contracts with the Delegate Agencies provide operating assistance for the approved projects. The contract term is twelve months beginning July 1, 2005 and ending June 30, 2006.

The contract amounts are funded in the approved 2005/2006 CDBG/ESG budgets.

Contracts have been negotiated with the Delegate Agencies and signed by their authorized representative. The Law Department has reviewed and approved the contracts as to form.

Motion--  
--carried

Mayans moved that the contracts be approved and the necessary signatures authorized. Motion carried 7 to 0.

## HOME CHDO

### HOME CHDO HOUSING DEVELOPMENT FUNDING AGREEMENTS. (DISTRICTS I, III, IV, V, VI)

Agenda Report No. 05-0582

On March 8, 2005, the City Council approved an allocation of \$350,000 in HOME funding for housing development projects to be carried out by three of the City's designated Community Housing Development Organizations (CHDO's), as part of the Consolidated Plan funding process. Mennonite Housing Rehabilitation Services, Inc. (MHRS) received an allocation of \$150,000, Community Housing Services of Wichita/Sedgwick County, Inc. (CHS) received an allocation of \$50,000, and Power CDC received an allocation of \$150,000. Further, the City Council approved an allocation of \$200,000 for the CHDO Boarded-up House Program. This program provides a means for CHDO's to obtain zero-interest, forgivable loans to address blighted housing in the City's Local Investment Areas (LIA's). City-approved CHDO's with experience in single-family housing development are eligible for participation in the program, and may utilize the funding to acquire boarded-up or otherwise blighted structures for the purpose of rehabilitation or demolition and construction of a new home.

CHS is in the process of developing homes with prior-year HOME CHDO funding. The funding was provided to enable CHS to undertake a program to purchase homes or sites and rehabilitate or construct new single-family housing in the City's Northeast or North Central Local Investment Area. CHS has utilized the funding to acquire sites for the development of four new homes, to construct one new home, and to complete rehabilitation of an existing home. The funding agreement expires June 30, 2005. CHS has requested extension of the agreement in order to complete the development of two to three additional homes. Approximately \$80,000 in HOME CHDO set-aside funding remains.

MHRS has completed development of five new homes in the Hilltop Local Investment Area utilizing prior-year HOME CHDO funding. It is estimated that \$40,000 of funding will remain following completion of site improvements. MHRS has requested approval to utilize the remaining funding to carry out additional single-family housing development projects within the boundaries of the City's Local Investment Areas.



# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 457

Housing Services is requesting approval for a funding agreement in the amount of \$150,000 for MHRS, in order to partially finance the development of at least five new homes in the City's Local Investment Areas, a funding agreement in the amount of \$50,000 for CHS, in order to partially finance the construction of at least two new homes or rehabilitation of one home in the City's Northeast or North Central Local Investment Area, and an agreement with Power CDC in the amount of \$150,000, to partially finance the development of at least five new homes in the City's Northeast Local Investment Area.

Housing Services is also requesting approval for the funding agreement providing for \$200,000 in HOME funding that was allocated for the 2004-2005 Boarded-up House Program. MHRS, CHS, Power CDC and Wichita Indochinese Center, Inc., will be parties to the agreement. In addition, Housing Services requests approval of amendment of the prior-year CHS funding agreement and amendment of the prior-year MHRS Hilltop Project funding agreement.

All homes constructed or rehabilitated with HOME funding will be sold to income-eligible, owner-occupant families receiving down payment and closing costs assistance through the City's HOMEownership 80 Program.

Total project cost of the three new CHDO housing development projects and the Boarded-up House Program is estimated to be \$1,615,000. HOME funding may be utilized to cover the costs involved in acquisition, rehabilitation and/or construction, site improvements, developer fees, and when necessary, demolition, for 17 homes. Each CHDO will leverage HOME funds with private sector construction loans or other financing. CHDO's participating in the Boarded-up House Program will also leverage HOME funds with private sector construction loans.

Funding agreements and any amendments will be approved as to form by the City Law Department. HOME regulations require completion of HOME-eligible projects on sites purchased with HOME funds. With the exception of the funding allocated for the Boarded-up House Program, the CHDO project funding is provided as part of the City's mandatory 15% set-aside for eligible CHDO's.

Motion--

--carried

Mayans moved that the HOME funding contracts for MHRS, CHS and Power CDC, the new funding agreement for the Boarded-up House Program, the contract amendments for the CHS and MHRS prior-year funding agreements be approved and the necessary signatures authorized. Motion carried 7 to 0.

## VET. SERVICES

### VETERINARY SERVICES CONTRACT FOR ANIMAL SHELTER.

Agenda Report No. 05-0583

The Kansas Animal Dealers Act requires that all Animal Shelters provide veterinary services and necessary training to Animal Shelter staff. Veterinarians also provide medical supplies and consultation to the Animal Services program. Heartland Animal Hospital was the sole bidder for veterinary services for the Animal Control program.

The contract specifies that a veterinarian from the clinic will visit the City facility a minimum of four times per week and be available for additional veterinary consultations as needed. It also provides necessary technical training for Animal Control staff and will require that the veterinarian meet with the media on matters requiring veterinary expertise upon request by the City.

The contract calls for a monthly charge of \$1,000. This represents an increase of fifty dollars per month compared to the previous contract signed in 2003.

The Law Department has approved the contract as to form.

Motion--

--carried

Mayans moved that the contract for veterinary services be approved and the necessary signatures authorized. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 458

## FOOD SERVICES

### **RENEWAL OF FOOD SERVICES ESTABLISHMENT INSPECTION CONTRACT WITH THE KANSAS DEPARTMENT OF AGRICULTURE.**

Agenda Report No. 05-0584

The Environmental Health Department has conducted inspections of food service establishments within Sedgwick County on behalf of the KDA since October of 2005, when the Kansas legislature assigned KDA responsibility for food service establishments located in grocery and convenience stores. Prior to this time, the Kansas Department of Health and Environment regulated these businesses, and Environmental Services performed inspections under contract.

KDA has proposed renewal of this contract for state fiscal year 2006 (July 1, 2005 through June 30, 2006.) Contract inspections by local entities reduce duplication of effort, provide a single source of contact for industry and citizens, and contribute substantially to local food protection budgets. Local staff administers and applies state regulations and utilizes state enforcement mechanisms as appropriate.

KDA remits eighty percent of license revenue (as established by Kansas statute) to the City, and provides enforcement assistance for local staff. Staff estimates the value of the contract at approximately \$32,000 annually, representing a significant contribution to the funding of local food protection activities. A similar contract with the Kansas Department of Health and Environment for inspections of all other food service establishments is projected to yield approximately \$328,000, and an additional \$35,000 in revenue is projected from the sale of City grocery and food processor licenses.

The Department of Law has reviewed the contract, and approved it as to form.

Motion--  
--carried

Mayans moved that the contract with the Kansas Department of Agriculture be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **(Item 9) WATERWALK**

### **CHANGE ORDER: WATERWALK PUBLIC IMPROVEMENTS, NORTH OF KELLOGG, WEST OF MAIN. (DISTRICT I)**

Agenda Report No. 05-0585

On March 8, 2005 the City Council approved a construction contract for street and utility improvements associated with the Waterwalk. The developer has requested that concrete intersections with brick crosswalks be constructed in lieu of planned asphalt intersections. In addition, plans did not provide for conduit crossings under the streets for street lighting and irrigation. Sleeves are required to prevent future expensive boring. A sidewalk north of Dewey has been deleted in this phase of construction due to the uncertainty of what is to be constructed in that area.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$58,396 with the total paid by General Obligation Bonds. The original amount for the street work is \$638,835. This Change Order plus previous change orders represents 17.43% of the original contract amount.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 459

Council Member Martz Council Member Martz stated that he has concerns with the change order because we are barely getting started and are starting to make change orders and this amount of \$58,000.00 was not included in the original plan and he is concerned that we will start making change order after change order so he is opposing this.

Chris Carrier Director of Public Works explained that when we originally bid the street work for the Gander Mountain phase of that project, there were some things that they knew that were going to have to be done but the designers did not have them designed yet. Stated that the biggest part of this one is changing the intersections from asphalt, which was the original design, to concrete. Stated that this was something that the developers proposed to do and that they thought was a good idea because it will require less maintenance. Stated that the budget for the project remains unchanged unless authorized by the Council.

Motion-- Mayans moved that the Change Order be approved and the necessary signatures authorized.  
--carried Motion carried 6 to 1, (Martz-no).

## PROP. ACQUIS.

### **2348 SOUTH PATTIE STREET FOR PAWNEE WIDENING IMPROVEMENT PROJECT FROM WASHINGTON TO HYDRAULIC. (DISTRICT III)**

Agenda Report No. 05-0586

On October 21, 2003, the City Council approved the improvement and widening of Pawnee from Washington to Hydraulic. The project will require partial or total acquisition of 21 parcels, of which 15 are single-family residences. The 7th residence of the 15 required residential acquisitions is a 898 square foot single-family residence at 2348 South Pattie Street, northeast corner of East Pawnee and South Pattie. The property has two bedrooms, one bathroom and consists of frame construction. The property is owner-occupied.

The property was appraised at \$59,500 and the owner accepted the offer. The owner will be relocated, the improvements will be removed and the site utilized for widening Pawnee, placement of the sidewalk and landscaping.

The funding source for the project is General Obligation bonds and Federal monies. A budget of \$95,500 is requested. This includes \$59,500 for the acquisition, \$5,000 for demolition, \$30,000 for relocation and \$1,000 for title work and closing costs.

The Law Department has approved the contract as to form.

Motion-- Mayans moved that the budget be approved and the necessary signatures authorized.  
--carried Motion carried 7 to 0.

## PROP. ACQUIS.

### **2348 SOUTH LAURA STREET FOR PAWNEE WIDENING IMPROVEMENT PROJECT FROM WASHINGTON TO HYDRAULIC. (DISTRICT III)**

Agenda Report No. 05-0587

On October 21, 2003, the City Council approved the improvement and widening of Pawnee from Washington to Hydraulic. The project will require partial or total acquisition of 21 parcels, of which 15 are single-family residences. The 9th residence of the 15 required residential acquisitions is a 1,350 square foot single-family residence at 2348 South Laura Street, northeast corner of East Pawnee and South Laura. The property has 3 bedrooms, 2 bathrooms and consists of frame construction. The property is owner-occupied.

The property was appraised at \$81,500 and the owner accepted the offer. The owner and family will be relocated, the improvements will be removed and the site utilized for widening Pawnee, placement of the sidewalk and landscaping.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 460

The funding source for the project is General Obligation bonds and Federal monies. A budget of \$130,000 is requested. This includes \$81,500 for the acquisition, \$5,000 for demolition, \$42,500 for relocation and \$1,000 for title work and closing costs.

The Law Department has approved the contract as to form.

Motion--  
--carried

Mayans moved that the budget be approved and the necessary signatures authorized. Motion carried 7 to 0.

## PROP. ACQUIS.

### **2348 SOUTH LULU STREET FOR PAWNEE WIDENING IMPROVEMENT PROJECT FROM WASHINGTON TO HYDRAULIC. (DISTRICT III)**

Agenda Report No. 05-0588

On October 21, 2003, the City Council approved the improvement and widening of Pawnee from Washington to Hydraulic. The project will require partial or total acquisition of 21 parcels, of which 15 are single-family residences. The 8th residence of the 15 required residential acquisitions is a 816 square foot single-family residence at 2348 South Lulu Street, northeast corner of East Pawnee and South Lulu. The property has two bedrooms, one bathroom and consists of frame construction. The property is owner-occupied.

The property was appraised at \$58,200 and the owner accepted the offer. The owner will be relocated, the improvements will be removed and the site utilized for widening Pawnee, placement of the sidewalk and landscaping.

The funding source for the project is General Obligation bonds and Federal monies. A budget of \$94,200 is requested. This includes \$58,200 for the acquisition, \$5,000 for demolition, \$30,000 for relocation and \$1,000 for title work and closing costs.

The Law Department has approved the contract as to form.

Motion--  
--carried

Mayans moved that the budget be approved and the necessary signatures authorized. Motion carried 7 to 0.

## PROP. ACQUIS.

### **EASEMENT FOR IMPROVING 45TH STREET SOUTH, WEST OF HYDRAULIC. (DISTRICT III)**

Agenda Report No. 05-0589

The City Council has approved the improvement of 45th Street South from Hydraulic west to Lulu. This approval was generated by a petition signed by more than half of the affected property owners and requested that the improvements be constructed and paid for via an assessment district.

The permanent easement contains 6,600 square feet. The owner has agreed to grant the City the easement over and upon this parcel for \$11,000 (\$ 1.67 per square foot).

A budget of \$11,000 is requested for the acquisition. The cost of the acquisition will be included in the assessment district.

The Law Department has approved the easement as to form.

Motion--  
--carried

Mayans moved that the budget and the Easement be approved and the necessary signatures authorized. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 461

## SETTLEMENT

### SETTLEMENT OF LITIGATION-CASE NO. 03 CV 2854. (DISTRICT V)

Agenda Report No. 05-0590

In April of this year, the governing body approved a settlement of the lawsuit between the City of Maize and the City of Wichita related to disputed annexations. One portion of that settlement was the establishment of a service area for sanitary sewer service to be provided by the City of Wichita. Some of this area was within the current city limits of the City of Maize and some is within an area that the two cities agree would be annexed to Maize in the future when eligible.

Under existing statutes, the City of Wichita does not have the clear authority to do all the things necessary to extend sanitary sewer service and levy special assessments for all or a portion of the costs of the improvements necessary to provide such service if all or a portion of the properties are within the city limits of another city. By chartering out from the provisions of K.S.A. 13-10,107 and K.S.A. 13-10,109 and providing substitute provisions, which do allow for such extension of services and financing the same as under the General Improvement Law (K.S.A. 12-601, et seq.), the City of Wichita will have the ability to carry out the provisions of the settlement agreement.

With the adoption of this Charter Ordinance, the City of Wichita will have the ability to extend sanitary sewer service into the City of Maize and to levy special assessments against properties within the City of Maize to finance all or a portion of the costs of such improvements.

The Law Department has approved the Charter Ordinance as to form.

Motion--carried

Mayans moved that the Charter Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

A Charter Ordinance exempting the City of Wichita, Kansas, from the Provisions of K.S.A. 13-10,107 and K.S.A. 13-10,109 and Providing Substitute and Additional Provisions on the same subject relating to Constructing Sewers Outside of the City Limits of the City of Wichita, Kansas, including areas within the city limits of other cities, issuing general obligation bonds of the City of Wichita, Kansas, to pay for the same and specially assessing the cost thereof against property deemed benefited.

## PLANEVIEW WATER PLANEVIEW WATER SYSTEM IMPROVEMENTS. (DISTRICT III)

Agenda Report No. 05-0591

The 2005 adopted Water Utility Capital Improvement Program provides for improvements to the water system in Planeview. Water mains are being systematically replaced and relocated in sections of Planeview because the mains are old and leak-prone. Replaced water mains are being relocated from backyards into street rights-of-way where maintenance of the mains will be more convenient and less expensive.

Authorized improvements include the installation of new consumer lines by a licensed plumber. Some consumer lines are still non-metered and are charged a flat monthly rate; however, all new consumer lines will be metered. Metering the flat-rate accounts will reduce unaccounted for water, a conservation measure strongly recommended by the State of Kansas. Wichita's Water Conservation Program includes the state's recommendation.

Planeview Consumer Lines Improvements (CIP W-70) has a budget of \$100,000 for 2005. In addition, the 2003 Planeview budget has \$66,000 remaining; the 2004 budget has \$99,950 remaining. Consolidating funds into the 2005 budget will allow the remaining work to be completed with no impact on the total CIP budget. The expenditures will be funded from future revenue bonds and/or Water Utility cash reserves.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 462

The Resolution has been approved as to form by the Law Department.

Motion--

Mayans moved that the expenditures for 2005 be approved; the remaining 2003 and 2004 budget authority be transferred; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

--carried

## RESOLUTION NO. 05-325

A resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the Water and Sewer Utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$265,950 exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## INTERLOCAL

### AMENDMENT TO INTERLOCAL AGREEMENT.

Agenda Report No. 05-0592

On February 8, 2005, the City Council passed the Interlocal Agreement with Sedgwick County for Federal Transit Administration (FTA) funding in the amount of \$122,950 for public transportation service in the Wichita urbanized area. The amount of funds available for Wichita urbanized area is based on a complex formula involving revenue miles of service, rides provided, service area population, density, etc., of which Sedgwick County is eligible to receive a portion.

Due to the increase in demand for public transportation service in the Haysville and Derby areas, Sedgwick County has requested an additional \$25,000 of FTA funding for this year. The funds are available in the FY2005 FTA grant unobligated fund balance. The provision of these services will benefit both the urbanized area and the City of Wichita, since the services provided are from county to city and vice versa.

The Law Department will prepare the amendment.

Motion--

Mayans moved that the amendment of the Interlocal Agreement with Sedgwick County for \$25,000 be approved. Motion carried 7 to 0.

--carried

## FTA

### RESOLUTION AUTHORIZING SECTION 5309 GRANT FROM FEDERAL TRANSPORTATION ADMINISTRATION. (FTA).

Agenda Report No. 05-0593

The Federal Transportation Administration (FTA) grant application process requires a resolution by the governing body authorizing staff to file grant applications to receive funds and administer the grant's program. The purpose of this resolution is to authorize staff to file for federal funds under Section 5309, which is a discretionary capital investment program, typically for bus and facilities. In FY 2003, Wichita was awarded \$1,180,414 in federal funds for bus replacement and \$393,471 for mini-transfer stations under the Section 5309 program. Section 5309 is an 80 percent federal/20 percent local/state match grant program.

Wichita Transit needs to replace five of its older Chance RT-52 buses, which have exceeded their useful life, to further upgrade the bus fleet. There is also a need to offer more amenities to the citizens of Wichita by putting two mini-transfer stations at local shopping centers (Towne West and Towne East). These mini-transfer stations will offer transfer points for buses to the eastern and western parts of Wichita, as well as offer more convenient shopping access for the citizens who need to travel to the shopping malls via the public transit system.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 463

The total cost of five replacement buses is \$1,475,552, with the federal portion (80 percent) being \$1,180,414, and the local match (20 percent) of \$295,138 to be funded using a Kansas Department of Transportation (KDOT) grant. The two mini-transfer stations will total \$492,000, with the federal portion being \$393,471, and the local match being \$98,529, again, to be provided by a KDOT grant.

The City's Law Department has reviewed and approved the resolution as to form.

Motion--  
--carried

Mayans moved that the resolution be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

## RESOLUTION NO. 05-326

A Resolution authorizing the filing of an application with the Federal Transit Administration, an Operating Administration of the United States Department of Transportation, for Federal Transportation Assistance Authorized by 49 U.S.C. Chapter 53, Title 23 United States Code, and other Federal Statutes Administered by the Federal Transit Administration to support FY 2003 section 5309 projects, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## **KANSAS FOODBANK KANSAS FOODBANK WAREHOUSE, INC. CONTRACT AMENDMENT.**

Agenda Report No. 05-0594

On July 1, 2002 the City Council approved the contract to provide CDBG funding in the amount of \$250,000 to assist Kansas Foodbank Warehouse in construction of the new warehouse.

The CDBG contract expires June 30, 2005. The Kansas Foodbank Warehouse, Inc. requests to extend the existing contract to June 30, 2006.

A shortfall in private funds to start construction on the warehouse has delayed the project. However, fund raising is on going for the \$3.7 million project, which has received \$2,544,642 in pledges, and of those pledges \$1,495,083 has been received. The Kansas Foodbank has received a Challenge Grant from the Mabee Foundation in the amount of \$775,000 and a grant from the Kresge Foundation is pending for \$400,000 in addition to what has already been pledged.

The CDBG funded activities for demolition, clearance and moving utilities started May 6, 2003. Currently, the buildings have been demolished and site grading has been completed. The balance of \$76,773 of CDBG funds will remain obligated to assist in funding the construction of the warehouse.

There is no change in the amount of approved CDBG funding for this project.

The Law Department has approved the contract amendment as to form.

Motion--  
--carried

Mayans moved that the contract amendment be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 464

## SEWER EASEMENT SANITARY SEWER EASEMENT 923 EAST FIRST. (DISTRICT VI)

Agenda Report No. 05-0595

While performing a routine sanitary sewer rehabilitation project, it was discovered that there was no sewer connection to the city's sanitary sewer main to serve the property of 923 E. First Street. Further investigation, using a mini-camera from their private cleanout, revealed that the sanitary sewer lateral was tapped into a storm water sewer main in First Street. In 1940, this building was a service station and they were given a permit to drain a service bay to the storm sewer at that time. When bathrooms were installed and when the plumbing was tied together is not known, as there are no records for a sanitary sewer permit or connection in the office of Central Inspection.

The property is not adjacent to the city's sanitary sewer main. A new private sewer lateral will need to be constructed across a city-owned parking lot in order to tap to the sanitary sewer main. The attached easement grants the property owner the right to construct and maintain this service line.

The cost to construct the lateral will be paid by the property owner.

The Legal Department has approved the easement as to form.

Motion--  
--carried

Mayans moved that the sanitary sewer easement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ JUNE 14, 2005)

- a) Amendment to parking procedures in Old Town District. (District VI)

#### ORDINANCE 46-609

An Ordinance amending Section 11.52.115 of the Code of the City of Wichita, Kansas, pertaining to parking procedures in the Old Town District and repealing the original of said Section, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- b) ZON2005-00014 - northwest corner of 13th Street North and Webb Road. (District II)

#### ORDINANCE 46-610

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2005-00014) read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

Motion--carried

Mayans moved that the Ordinances be adopted. Motion carried 7 to 0.



# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 465

## NEW BUSINESS

### APPEAL

#### APPEAL FROM AN ORDER OF THE CHIEF OF POLICE TO RECLASSIFY LOCAL LIQUOR LICENSE OF OUR FANTASY, AT 3201 SOUTH HILLSIDE. (DISTRICT III)

##### Order of Procedure:

Mayor Mayans

Mayor Mayans stated that inherent to the appeal process of the City Council regarding this item is the opportunity to be heard in a fair and proper hearing. The hearing will be conducted in the following manner:

1. The Chief of Police or his representative will be given first the opportunity to present the Police Department's position in this matter.
2. Next the Licensee or its representative will be given the opportunity to present their position.
3. City Council Members have the opportunity to ask questions of either the Police Department or the licensee.
4. There are no public comments since the Council is exercising its quasi-judicial authority for the hearing.

Robert Lee

Deputy Police Chief reviewed the item.

##### Agenda Report No. 05-0596

City ordinance defines a drinking establishment/restaurant (DER) as a business that is open to the general public, sells liquor by the individual drink and meets one of the following requirements: The business shall derive not less than 50% of its gross revenues from sales of food and beverages for consumption on such premises in a six-month period; or such business shall derive not less than 30% of its gross revenues from sales of food and beverages for consumption on such premises in a six-month period and shall have not less than 70% of the public assembly area of the licensed premises devoted to designated seating for the service of food for consumption on the licensed premises. (See Section 4.04.010(t) of the City Code.) Minors under the age of 21 years are allowed on the premises of a DE/R but cannot consume alcohol. Any establishment not meeting the above food sales and seating space criteria is classified and licensed as a drinking establishment (DE), and minors under the age of 21 years are prohibited from entering or remaining on the premises.

The City Code also provides that a business licensed as a DE/R maybe reclassified as a DE in the event that the business fails to meet food sales or seating space criteria. Section 4.16.095 (c) of the City Code authorizes the Chief of Police to reclassify any DE/R as a DE if the establishment "fails to provide information showing either the required amount of gross revenues from sales of food or the percentage of floor space devoted to the designated seating according to the floor plan, and the service of food for consumption on the licensed premise". Subsection 4.16.095 (d) of the City Code provides that an order of reclassification issued by the Chief of Police may be appealed to the City Council within seven days from the date of the order. An appeal from the Chief's order to the City Council stays the order of reclassification until the matter is resolved by the Council.

Our Fantasy, located at 3201 S. Hillside, has been licensed as a DE/R since September 5, 2002. On May 10, 2005, Wichita Police Department detectives sent the owner/manager of Our Fantasy a letter by certified mail requesting information showing that the establishment was in compliance with Section 4.04.010 (t) regarding percentage of food sales. A list requesting specific information necessary for the audit of Our Fantasy revenues was attached. On June 3, 2005, Detective Quinn received the requested audit information, which was sent first-class mail from the accounting firm of Robert W. Howell. Attached to this information was a letter from the accounting firm stating the amount of liquor sales as being \$152,434.72 and the amount of food sales as being \$6,509.88. On calculating the percentage of food sales, it was determined that Our Fantasy food sales amounted to 4.27%.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 466

On June 8, 2005, Chief Williams sent a letter to Ms. Linda Copeland, the licensee for Our Fantasy informing her that the establishment was being reclassified to a DE, due to failure to comply with City ordinance 4.04.010 (t).

If the City Council upholds the decision of the Chief, the licensee has the further option of appealing to the district court, pursuant to state statute. Such an appeal would not stay the order of reclassification.

Jim Freeman Mr. Freeman stated that he is present on behalf of the owner, Linn Copeland and read aloud Mr. Copeland's letter to the Council Members.

Council Member Skelton Council Member Skelton stated that he has observed an extremely high discrepancy between what is required food sales and actual food sales. Stated that he is going to support the Police Chief's recommendation and advised the applicant that next year, if his food sales fall in the parameters of DER, the Council will reconsider this action, but for today the appropriate action would be to support the Police Department.

Motion--carried Skelton moved to uphold the police recommendation. Motion carried 7 to 0.

**U.S. POSTAL SERV. PUBLIC HEARING AND REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, U.S. POSTAL SERVICE, REMOTE AND ENCODING. (DISTRICT III)**

Allen Bell Economic Development Director reviewed the item.

Agenda Report No. 05-0597

Since July 2003, City staff and later GWEDC have been working with the U.S. Postal Service to secure the selection of Wichita as the site for a major expansion of its Remote Encoding Centers (RECs). Currently located in a former super market space at 2465 S. Seneca, the Wichita REC employs 176 full-time and 411 part-time personnel, who equate to 338 full-time equivalents (FTEs). The U.S. Postal Service originally opened 55 RECs across the country and has since reduced the number to 16 centers. Additional consolidation is planned, along with the conversion of two RECs into "mega centers." The City, County and State have tentatively offered economic development incentives, which has resulted in the selection of Wichita as one of the mega centers.

The Postal Service has conducted an extensive site search in Wichita and has selected the former Giant department store building at 2601 S. Oliver for its new Wichita REC. The property is controlled by local real estate developers Herb Krumsick and Steven Barrett. Doing business as SLK, LLC and SRB Kansas, LLC, the developers will renovate the building and lease 96,000 square feet to the Postal Service for an initial term of 10 years. HLK, LLC and SRB Kansas, LLC, on behalf of the U.S. Postal Service, is requesting the issuance of a one-year Letter of Intent for Industrial Revenue Bonds (IRBs) in an amount not to exceed \$6,130,000. The developers and the Postal Service are also requesting the City Council's approval of a partial five-year tax exemption on IRB bond-financed property and a second five-year exemption subject to City Council review and approval.

The US Postal Service has the responsibility to maintain universal service, improve service quality, and hold postage rate increases to levels commensurate with inflation. In concert with this mission, the Postal Services' Remote Encoding Center in Wichita has the responsibility to provide remote electronic data keying, to obtain quality bar codes for various mail product lines in support of mail processing facilities throughout the United States. As a result of the opening of the mega center on South Oliver, the existing 338 FTEs will be retained and an additional 647 FTEs will be hired, comprised of 337 full-time and 786 part-time employees, at average wages of \$18 per hour. It is anticipated that the increase in employment at this location will help to revitalize the Pawnee and Oliver area.

The proposed economic development incentive package includes the following state and local incentives:

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 467

State of Kansas	\$1,000,000	SKILL Grant (Reimbursable Job Training)
	350,000	KEIOF (Forgivable Loan)
	125,000	MPI Grant (Cash for non-training project costs)
City of Wichita	\$813,120	IRB Tax Abatement (based on renovation only)
	75,000	Forgivable Loan
Sedgwick County	\$75,000	Forgivable Loan

IRB Bond proceeds will be used to finance the cost of acquiring and improving the former Giant building in order to qualify the property for tax exemption under state law. The developers will continue to pay taxes, or payments-in-lieu-of-taxes, based on the pre-renovation value of the property. An analysis of the uses of project funds is:

Acquisition of Facility	\$2,600,000
Construction and Improvements to facility	3,500,000
Cost of Issuance	30,000
Total Cost of Project:	\$6,130,000

The developers plan to privately place the bonds with a financial institution with which they each have a pre-existing lending relationship. The developers agree to comply with the City's requirements contained in the Letter of Intent, including "claw back" provisions. The developers have selected Key Construction to serve as general contractor, without first advertising in the Wichita Eagle for participation by economically disadvantaged business enterprises, and renovation work has already begun. Approval of the Letter of intent will presume the waiver of this requirement.

In addition to the IRBs and property tax abatement, the proposed incentive package includes a \$75,000 forgivable loan to the U.S. Postal Service, to be matched by Sedgwick County. Under the terms of the forgivable loan agreement, the funds may be used for any project-related purchase. The Postal Service agrees to increase its employment at the Wichita REC to at least 985 FTEs by the end of five years, or repay a proportional amount based on the shortfall in employment. If the Wichita REC is closed during the term of the agreement, the Postal Service will be required to repay the entire loan amount, at interest.

A cost/benefit analysis has been conducted by Wichita State University's Center for Economic Development and Business Research, using the existing State of Kansas fiscal and economic impact model. The resulting cost/benefit ratios are as follows:

City	2.77 to one
County	1.90 to one
USD 259	1.46 to one
State	7.32 to one

The developers agree to pay all costs of issuing the bonds and the City's \$2,500 annual IRB administrative fee for the term of the bonds. Under the City's Economic Development Incentive Policy, the project qualifies for a five-plus-five-year tax exemption on property purchased with bond proceeds, based on creation of 647 new jobs, investment of \$6.1 million and average wages that exceed the average for this type of business.

The developers have agreed to pay taxes, or payments-in-lieu-of-taxes, based on the current property value. Based on information from the County Appraisers office, the 2004 value of the land and building structure was \$1,131,150. Current real estate taxes are estimated to be \$32,064. Assuming an as-built valuation of \$4 million, property taxes would be \$113,387. The exemption is therefore worth \$81,313 per year.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 468

Bond documents needed for the issuance of bonds will be prepared by a bond counsel firm to be selected by the City, as the City's regular contract bond counsel has existing attorney/client relationships with the principal of each developer. The City Attorney's Office will review and approve the form of the Forgivable Loan Agreement, and all bond documents prior to the issuance of any bonds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Greg Ferris

Mr. Ferris stated that he has been working with the postal service and the developer on this project. Stated that when that originally this project was an 8.5 million dollar letter of intent on the improvements and the tax exemption for that would have been about \$100,000.00 per year and as they worked through that because of certain bureaucracy in the postal service, they were unable to bond the full 8.5 million dollars and instead are only bonding 6.1 million dollars worth of improvements and acquisition. Stated that in their letter of intent they specifically asked that the existing \$30,000.00 in taxes be exempted per the City's policy of any building that has been vacant for more than three years. Stated that what the Council thought they were going to give the post office is going to be even less with the existing taxes being abated.

Allen Bell

Economic Development Director stated that this has gone through the GWEDC process, the transaction team and the developer asked for a certain level of incentives and they agreed to recommend what is being recommended, which is that they pay taxes or payments in lieu of taxes, based on the existing taxes, about \$32,000.00. Stated that we will exempt all of the property that is financed with bonds, that includes the existing property and the portion of the construction costs, then they will work with the appraiser and the developers so that they either pay taxes or payments in lieu of taxes equal to the existing taxes so that the net affect is the value of the existing property stays on the tax roll and the value of their exemption is equal to the increase.

Motion--

Skelton moved that the public hearing be closed; a Letter of Intent to HLK, LLC and SRB Kansas, LLC for Industrial Revenue Bonds in an amount not-to-exceed \$6,130,000, subject to the Letter of Intent conditions, for a term of one-year be approved; a tax abatement based on the value added by renovation of bond-financed property for an initial five-year period plus an additional five years following City Council review be approved; the Forgivable Loan Agreement with the U.S. Postal Service in the amount of \$75,000 be approved; the firm of Kutak Rock, LLP, as bond counsel firm to handle issuance of the bonds be selected and the necessary signatures authorized. Motion carried 7 to 0.

--carried

**GENESIS**

## **PUBLIC HEARING, RATIFICATION AND EXTENSION OF THE LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, GENESIS HEALTH CLUBS. (DISTRICTS V & VI)**

Allen Bell

Economic Development Director reviewed the item.

Agenda Report No. 05-598

On July 13, 2004 the City Council approved the issuance of a one-year letter of intent for industrial revenue bonds ("IRBs") for Genesis Health Clubs ("Genesis") in an amount not to exceed \$11,850,000. Bond proceeds are to be used to finance the cost of acquiring, constructing and equipping two new health club facilities in west Wichita, one at 3725 W. 13th and one at the northwest corner of 29th Street North & Maize Road, and to expand its existing health club at 854 N. Socora. The City Council also granted a 50% five-year tax exemption on bond-financed property, plus a second five-year exemption upon City Council review and approval. Genesis has committed to add 100 new employees to its Wichita workforce within ten years.

During the original proceedings for approval of the letter of intent, a necessary notice letter to U.S.D. No. 266 (Maize School District) was inadvertently omitted. Consequently, it is necessary to repeat the public hearing and ratify the letter of intent, now that proper notices have been given. Concurrently, the applicant has requested that the letter of intent be extended into 2007, due in large part to construction delays tied to regulatory wetlands issues impacting the Maize Road project site.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 469

In addition, the required cost-benefit analysis failed to consider the fiscal impact of the project in USD 266 school district. The analysis has been repeated by Wichita State University's Center for Economic Development and Business Research to include USD 266 and the results are as follows:

City	3.35
County	2.25
USD 259	1.87
USD 266	1.96
State	1.21

There is no financial impact on the City resulting from the requested extension.

A publication notice and notice letters to Sedgwick County, U.S.D. No. 259 and U.S.D. No. 266 have been prepared, published and sent by Bond Counsel, and a vote to ratify the letter of intent after the public hearing will cure the procedural infirmities in the letter of intent.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Rodney Steven

Owner of Genesis Health Clubs stated that last July the City Council approved a one-year letter of intent for industrial revenue bonds to create 100 new jobs and significant capital investment in the community. Stated that the last time he was here dozens of Genesis supporters attended, when there was a need to reaffirm the Council's first vote. Stated that they wanted to come back or send letters and e-mails but he encouraged them not to. Stated that the Council has heard from them and responded by affirming his letter of intent and the City did the right thing and honored its commitment. Stated that while they were planning to issue the bonds this month for these projects, City staff has decided that they prefer to extend the letter of intent. Stated that they are listening to the advice of the City staff and following this plan. With the expansion of their west-central location now complete, more area residents are benefiting from a facility that is more conducive to fitness. Stated that the architectural plans for their west 13<sup>th</sup> Street location is complete and materials have been ordered and the project will be completed before the year end. Stated that this will result in an immediate addition of new jobs in Wichita and provide a brand new first class facility to people who live in the surrounding area. Soon they will break ground at 29<sup>th</sup> Street and Maize Road and the construction of this facility will create construction jobs immediately and over 40 permanent jobs when completed next year. Genesis Health Clubs will continue to reach out to the community, offering free programs to the schools, sponsorship of worthwhile events and working hard to inspire more Wichitans to live a healthy life. Stated that contributing to the local economy by paying more than one million dollars per year in state and local taxes and creating a payroll of more than five million dollars a year. They ask once again that the City do the right thing and follow the recommendation of their staff and the agenda report and extend the existing letter of intent.

Council Member Gray

Council Member Gray asked Mr. Steven to explain to Council his sponsorship in the schools and the various things in the community that they do.

Rodney Steven

Mr. Steven stated that they have been a major sponsor for the River Festival event and have been for the last eight years and just got done doing 10 schools of physical education classes, where they send three or four trainers to the schools and teach a P.E. class and try and make exercise and fitness fun.

Greg Ferris

Mr. Ferris stated that he has been working with Genesis on this process for the last year and for the benefit of Council Member Skelton, reviewed the process of where they started and how they got to this point. Stated that Mr. Steven has gone through the process and done everything that he was suppose to do. Stated that they have complied with all of the City rules, regulations and policies. Stated that they have started the process and that this letter of intent should be extended. It is the fair and right and the correct thing to do and would appreciate today that the Council continue that process so that they can finish.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 470

Council Member Schlapp Council Member Schlapp stated she had a statement to read. In February of this year our Genesis Health Clubs terminated her employment with them. Because of this previous employment, she had the need to make this statement to clear the record. She did not at any time participate in the planning of nor the bringing forward of this IRB request; she did not at any time try to influence this Council as to how to vote on this issue; even though her relationship with Genesis is now officially terminated, according to the Kansas Board of Ethics, she cannot vote on this issue for one more year. Stated that she will therefore recuse herself from this vote and refrain from all discussion from the bench today.

Council Member Skelton Council Member Skelton stated that it appears that when Genesis applied for the IRB they met the criteria and staff has since changed the criteria for IRBs due to concerns with the substitution effect and that is something that he supports. Stated that we have to be cautious about pre-market competition and keeping a leveled playing field for companies. Stated that the Council did approve this a year ago and as a businessman he finds that it is always good business to follow through on your word. The reason that he is going to support this today is because he thinks the City has a responsibility to follow through on its word and the mistake that the City made is being corrected and there are positive economic benefits here.

Motion-- Mayans moved that the public hearing be closed; the Letter of Intent for Genesis Health Clubs for Industrial Revenue Bonds in an amount not-to-exceed \$11,850,000 be ratified and the Letter of Intent to June 21, 2007 be extended. Motion failed 3 to 3, (Nays-Brewer, Fearey and Martz) (Schlapp abstained due to conflict of interest).

--failed

## **21<sup>ST</sup> STREET IMPROV 21ST STREET NORTH IMPROVEMENT, BETWEEN OLIVER AND WOODLAWN. (DISTRICT I)**

Jim Armour City Engineer reviewed the item.

(Council Member Schlapp momentarily absent)

Agenda Report No. 05-0599

The 2004-2013 Capital Improvement Program adopted by the City Council includes a project to improve 21st Street North, between Oliver and Woodlawn. District I Advisory Board sponsored a November 1, 2004 neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the project.

The project will reconstruct 21st Street, between Oliver and Woodlawn, to provide four through lanes and a center two-way left turn lane. A new storm water sewer will be constructed. The available right-of-way will be landscaped. Construction is planned for 2005.

The estimated project cost is \$2,430,000 with \$650,000 paid by the City and \$1,780,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

The Law Department has approved the authorizing Ordinance as to legal form.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Brewer moved that the project be approved; the Ordinance placed on First Reading, and the signing of State/Federal agreements as required be authorized. Motion carried 7 to 0.

--carried

## **ORDINANCE**

An ordinance declaring 21<sup>st</sup> street north, between Oliver and Woodlawn (472-84235) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 471

## ARENA REDEV.

### CONTRACT FOR PREPARATION OF THE ARENA NEIGHBORHOOD REDEVELOPMENT PLAN. (DISTRICT I)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 05-0600

The recent Visioneering Wichita initiative has identified the strategy of “making downtown a vibrant community and destination point for our residents, visitors and businesses.” The construction of the Sedgwick County arena in Downtown Wichita will be a key implementing piece of this strategy by serving as a catalyst for redevelopment. It is important to plan for the anticipated redevelopment of the area surrounding the arena, concurrent with the siting and design of the new arena.

In April 2005, the City issued an RFP soliciting proposals for consulting services to develop and prepare an arena neighborhood redevelopment plan concurrent with Sedgwick County’s initiative to site, design and construct a new arena in Downtown Wichita. The boundaries of the arena neighborhood redevelopment plan area are: S. Main Street on the west; the central rail corridor on the east; the Kellogg freeway on the south and E. Douglas Street on the north. The new arena will be located somewhere within this area.

The City is partnering with Sedgwick County, as the developer of the arena, and with the Wichita Downtown Development Corporation in formulating the arena neighborhood redevelopment plan. The consultant will view these partners as key members of the consulting “team” throughout the development of the Plan. The preparation of this Plan will also require a community outreach approach that informs and works closely with area stakeholders, residents, landowners, and business representatives to build consensus in the development of the Plan.

A steering committee representing area and city stakeholders will o be appointed within the next month to oversee the development of this plan.

A Request for Proposals was prepared and sent to over 50 local, regional and national vendors. A total of six consultant teams responded with a submittal of proposal. Staff provided evaluation summaries of the six proposals received, outlining major strengths and weaknesses in both experience and proposal approach. The City Staff Screening and Selection Committee met to review the six proposals and then short-listed for final interviews three consulting teams with the best proposals submitted. Two Sedgwick County staff members and the Director of the Wichita Downtown Development Corporation were appointed by the City Manager to sit on the City Staff Screening and Selection Committee. Following the consultant interviews, the City Staff Screening and Selection Committee determined using a ranking procedure that the Gould Evans consultant team is best qualified and experienced to undertake this plan. The following summarizes the strengths of the Gould Evans consultant team as identified by the Selection Committee:

- Confident presentation and approach.
- High level of experience and expertise (ERA sub-consultants) in undertaking the critical marketing analysis elements of arena-based redevelopment, especially in the Midwest.
- Strong understanding of the economic interplay between arena development and neighborhood redevelopment.
- Good participation of minority based sub-consultants (ETC Institute and SK Design Group).
- Interactive planning process with the public that includes a broad-based community survey.
- Strong multi-modal transportation analysis sub-consultant (LSA Associates).
- Willingness to negotiate on the contract price and approach.

The proposed contract with Gould Evans would be a negotiated contract with a not-to-exceed fee of \$250,000. Funding for this project has been identified in the proposed 2005-2014 Capital Improvement Program.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 472

The contract will be reviewed and approved as to form by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the selection of Gould Evans to undertake the preparation of the Arena Neighborhood Redevelopment Plan be approved; staff to be authorized to negotiate with Gould Evans a not-to-exceed contract of \$250,000 to perform the work; the necessary signatures authorized and to adopt the bonding resolution and authorize the use of CIP funding. Motion carried 7 to 0.

--carried

## **BOYS & GIRLS CLUB LEASE AGREEMENT BETWEEN THE CITY OF WICHITA AND THE BOYS AND GIRLS CLUB OF SOUTH CENTRAL KANSAS, INC. (DISTRICT I)**

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 05-0601

As reported to the Council at its April 5, 2005, meeting, a consortium of community leaders, calling themselves the 21st Street Committee for Progress, has committed itself to helping the Boys & Girls Club of South Central Kansas to raise the capital for a new facility to replace the current building located at 21st Street North and Grove. They have asked the City to provide a site for the new facility on the former Logopedic Institute site, just north of 21st Street. This City-owned property of approximately 16 acres has been substantially cleared of existing buildings. Cessna maintains two buildings fronting along 21st Street for training and child-care.

At the April 5th meeting, the Council directed staff to enter into negotiations with the Boys & Girls Club on a lease. The product of that negotiation is attached. The Boys & Girls Club is seeking a long-term lease at a nominal rate (one dollar per year).

The construction of the Boys & Girls Club will further the goals and strategies outlined in the 21st Street North Corridor Revitalization Plan. Based on two well-attended public meetings and other indicators, it appears to have broad community support. It represents a unique opportunity for the City to leverage the commitment of a dedicated group of citizens to provide services in an area where they are needed and to improve an important community asset.

The draft Capital Improvement Program now under review by the City Council allocates \$1,200,000 in GO funds and \$250,000 from utility capital reserves to provide necessary infrastructure improvements in support of this project.

The Law Department is reviewing the lease and staff will report on any legal considerations at the Council meeting.

John Schlegel

Planning Director explained that the lease is ready for the Council's approval except for one provision that was sent last week to the Council Members in a memo. Stated that for the Boys and Girls Club, there is an unresolved issue regarding a tax provision, which is a standard provision in City leases. The Boys and Girls Club had asked that that provision and the lease that is in the agenda backup report, does not contain that provision. They have asked for it to be removed so that in the proposal that they put together, they did not include it. However, City staff feels that that provision should be in there in order to protect the City in the event that the tax exempt status of the Boys and Girls Club would ever change or that tax laws regarding non-profit organizations would ever change, that any future tax liability that might occur would not become the responsibility of the City. Stated that his recommendation is that that provision be added back into the lease, which would read in the event of ad valorem taxes or special assessments are assessed against the premises, lessee shall be responsible for all such taxes and special assessments assessed during the term of the lease.



# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 473

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Ron Holt

Mr. Holt stated that he is the President of the Boys and Girls Club Board of Directors and that we would like to indicate that their Boys and Girls Club Board took action to work on their lease without that provision but that he will take the responsibility to get back to their Board and to reinforce that that provision is a requirement that the City is going to have and he will take responsibility for making that happen.

Motion--

Brewer moved to take staff's recommendation and that the City Council approves the proposed lease agreement with the Boys and Girls Club of South-Central Kansas, Inc., and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

## TOP LEASE

### LEASE AGREEMENT BETWEEN THE CITY OF WICHITA AND THE OPPORTUNITY PROJECT. (DISTRICT I)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 05-0602

As reported to the Council at its April 5, 2005, meeting, TOP is interested in building a new facility on the former Logopedic Institute site, just north of 21st Street. This City-owned property of approximately 16 acres has been substantially cleared of existing buildings. Cessna maintains two buildings fronting along 21st Street for training and child-care.

At the April 5th meeting, the Council directed staff to enter into negotiations with TOP on a lease. The product of that negotiation is attached. TOP is seeking a long-term lease at a nominal rate (one dollar per year).

The construction of the new TOP facility will further the goals and strategies outlined in the 21st Street North Corridor Revitalization Plan. Based on two well-attended public meetings and other indicators, it appears to have broad community support. It represents a unique opportunity for the City to leverage the commitment of a local foundation to provide services in an area where they are needed and to improve an important community asset.

The draft Capital Improvement Program now under review by the City Council allocates \$1,200,000 in GO funds and \$250,000 from utility capital reserves to provide necessary infrastructure improvements in support of this project.

The Law Department is reviewing the lease and staff will report on any legal considerations at the Council meeting.

John Schlegel

Planning Director stated that there is an unresolved issue that he needs to bring to the Council's attention on this lease. Stated that on this site where the TOP facility would go, there are an existing three buildings with six housing units that would have to be demolished in order for them to build the facility that they are planning to build. Stated that staff has been talking with them about who would take responsibility for getting those housing units torn down, removed and the tenants relocated. His understanding is that that responsibility would be with the lessee. Stated that they have proposed that a provision be added to this lease that would read: Lessee shall cause the vacation and demolition of the residential properties commonly known as Cessna Court and addressed as 2250 thru 2256, 2258 thru 2264 and 2266 thru 2272 Harding Drive. Lessor (City) would provide professional assistance with the relocation of the tenants and over-site of demolition activities. Stated that with this lease there will be two additional provisions added.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 474

- Mayor Mayans Mayor Mayans asked why is there two leases in a row that are incomplete.
- John Schlegel Planning Director explained that the TOP facility lease is more complicated than the Boys and Girls Club because of the need for demolishing the existing housing units that exist on that property. Stated that on both of them, this was done in a hurry in order to meet a deadline of June 29, 2005, when the Boys and Girls Club would like to announce publicly their capital campaign for the Boys and Girls Club. Stated that they had been anticipating that we would have this on the June 28th workshop agenda as a consent item but because these issues could not get worked out in time to allow for it to appear as a consent item on the 28<sup>th</sup>, the manager felt that it was better to have these items on this agenda so that it could be discussed before the board.
- George Kolb City Manger stated that there is a consensus on the changes to the lease and have worked out the issues and have agreed on a course of action.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Ron Holt Mr. Holt stated that he is President of the Boys and Girls Club which is in partnership with the TOP School North Charitable Foundation and he cannot speak for the TOP School North Charitable Foundation. Stated that Mr. Downing was not able to attend today and that he is not sure how problematic it is for Mr. Downing regarding the facilities to be demolished and the relocation and that he will do all that he can because of their partnership and that both of these projects work together. Stated that if this is in the lease, he will make sure that they do all they can to make this go forward. Stated that this is a wonderful project for this community and the merits for this project far outweigh the challenges to get it going.
- Cybil Strum Ms. Strum stated that they should go to different businesses and have sponsors instead of demolishing houses and find a vacant buildings and renovate it.
- George Kolb City Manager stated that the two leases reflect essentially what we have agreed to during negotiations. The issues that have been mentioned are possibly minor glitches but he believes that they can be worked through if the leases are approved today.
- Motion--  
--carried Brewer moved that the proposed lease agreement with the TOP School North Charitable Foundation be approved and the necessary signatures authorized. Motion carried 7 to 0.

## EMSS

### EMSS AND PERFORMANCE MANAGEMENT ENHANCEMENTS.

Ron Aaron Fire Department reviewed the item.

Agenda Report No. 05-0603

On November 4, 2003, the City Council approved a new Emergency Medical Services System (EMSS) agreement with Sedgwick County. On January 7th, 2004, the Fire Department presented a proposal to enhance EMSS services, in anticipation of the implementation of the new Emergency Medical Services System, (EMSS). At that time, the City Council deferred action until a new Medical Director was hired and in place, and needs could be more fully defined. The new Medical Director was hired in October of 2004, and is prepared to initiate medical training programs based on the collaboration of participating EMSS agencies.

For the past months, Fire Department staff has met with the Medical Director and other stakeholders in developing a proposal for training and technology improvements. The plan includes the addition of two new Medical Training Officer (MTO) positions, one new Fire Training Officer, and funding for dedicated technology support. The new medical training officers, will supplement the one currently existing position to meet the immediate needs of the EMSS Medical Director. These three positions (one existing and two new) will provide for a desired 6:1 student to instructor ratio. The Fire Training Officer will be utilized full time to provide recruit and in-service training to Fire Department staff as required. Currently, there are no dedicated recruit training staff; trainers are re-allocated from the

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 475

Operations Division, which creates overtime pay issues. The last component of the plan is to enhance support on GIS analysis. This support will significantly improve the ability of fire staff to evaluate the effectiveness of emergency services deployment.

The 2005 Adopted budget includes \$300,730 in 2005 and \$306,730 in 2006 to fund proposed EMSS enhancements. The cost of the proposed plan is \$164,630 for 2005 and \$174,650 in 2006.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Mayans moved that the additional positions and any necessary budget adjustments be approved. Motion carried 7 to 0.

## FIREARMS

### AMENDMENTS TO SECTION 5.88.010, 5.88.020, 5.88.030, 5.89.020 AND 5.89.030 AND REPEAL OF SECTIONS 3.08.050, 5.88.015 AND 5.89.100 OF THE CODE OF THE CITY OF WICHITA REGARDING FIREARMS.

Gary Rebenstorf

Director of Law reviewed the item.

Agenda Report No. 05-0604

House Substitute for Senate Bill No. 195 was passed by the legislature during the 2005 legislative session. This Bill prohibits a municipality from passing ordinances, which regulate the purchase, transfer, ownership, storage or transporting of firearms or ammunition, unless specifically permitted by state law. This bill allows a municipality to require that a firearm, when being transported, be within a container that completely encloses the firearm. The City's current ordinance only requires that a firearm transported in a vehicle be unloaded. The bill also allows a municipality to adopt ordinances prohibiting a person from carrying any firearm in any courtroom or City Hall. Currently, this is not specifically regulated by ordinance.

The bill also mandates changes to the manner in which firearms are forfeited. The bill allows a firearm to be destroyed upon order by the trial court, forfeited to the law enforcement agency seizing the weapon for use within the agency, or sold or traded by the law enforcement agency to a properly licensed federal firearms dealer. The law also allows the firearms be forfeited to the Kansas Bureau of Investigation for law enforcement, testing, comparison or destruction by the Kansas Bureau of Investigation forensic laboratory. If weapons are sold, as authorized by this bill, then the proceeds of the sale shall be credited to the asset seizure and forfeiture fund of the seizing agency. Currently, any proceeds received are deposited in the general fund for law enforcement purposes.

Lastly, the bill voids current city ordinances relating to seller regulation, background checks, prohibition of large-capacity magazines, waiting periods for the purchase of weapons and ordinances regarding the negligent storage of firearms.

It is necessary to amend city ordinances to conform with the mandates found within House Substitute for Senate Bill No. 195. Without approving the transportation amendment, the current city ordinance on transporting firearms would become less restrictive and in some instances in conflict with the provisions of this bill. The amendments also except law enforcement and retired law enforcement officers from the requirements of the ordinance.

The elimination of the City's seller licensing and background check requirements will result in the elimination of \$9,700 budgeted annual revenue, but should also result in an offsetting reduction in staff and administrative costs.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 476

The amendments have been prepared and approved as to form by the Law Department.

- Council Member Fearey Council Member Fearey stated that this is a huge dent into Home Rule in the State of Kansas and thinks that this is something that the Council needs to look at, especially as we are moving through the Visioneering Process and asking our state representatives from this region to stick together. This is a huge issue in what cities are able to do for their citizens and something that their citizens asked for and then that right is taken away from the citizens of every city in the state of Kansas. Asked what happens if we do not change our ordinance.
- Gary Rebenstorf Director of Law explained that we would not be able to enforce any ordinance that is not in compliance and not in the same language as state law. The ordinances that are being repealed or being declared null and void, such as the City's version of a Brady Bill, we would not be able to enforce that at all. We could not bring any charges against anybody, could not bring any action against anyone for doing anything different. Stated that from a lawyer's standpoint he would want the City's code to be in compliance with the state law and comply with state law and that would be his recommendation as the city attorney.
- Council Member Martz Council Member Martz stated that the Kansas League of Municipality have opposed portions of this because of the Home Rule. Stated that he also does because he does not think that the state legislature should be taking our powers away from us. Stated that there is an issue in Topeka today under the education funding, the state legislature is protesting the Kansas Supreme Court on whether they have the authority to tell the legislature how to act. Stated that if they are going to protest the Supreme Court on whether or not they have certain rights and then turn around and tell us what we can and cannot do, they should be listening to their own lectures. Stated that he does not know if there is a whole lot we can do on this issue but is in favor of upholding Home Rule and does not know if voting against this would make a statement or not but does feel that we need to be sending a message to Topeka that Home Rule is very important and we should be able to maintain that.
- Mayor Mayans Mayor Mayan inquired whether anyone wished to be heard.
- Kelly Johnston Mr. Johnston stated that he is speaking today as Chair of Safe State Kansas, which is a program of Inter-faith Ministries. Stated that we are here today because of the passage of a state law that takes effect July 1, 2005 but thinks that it is very important to read that law carefully and that the proposal before the Council is very overbroad and unnecessary. Stated that state law has not prohibited the City's authority to legislate the seller. Stated that there is no language in this state law that prohibits cities and counties from regulating sale. Urged the Council to retain what Home Rule authority the Council has and not overreact by adopting section 7 except for paragraphs 9 and 10. Asked the Council what they are going to do as property managers because the immediate consequence of the passage of these ordinances and the elimination of the seller regulations is going to be gun shows at Century II. Stated that property managers have a safety responsibility and he recommends that the Council seriously look at passing an ordinance that would not be prohibited by the state law that would prohibit anyone selling firearms on City property who is not a federally licensed firearm dealer. Stated that you do not need to do anything to bless this and if you do not do anything, you would be speaking out in defense of your Home Rule Authority, preserving the status quo incase the state law changes and honoring the voting mandate in this community.
- Council Member Martz Council Member Martz stated that he feels very strongly about preserving Home Rule and asked if we would be advised well or not to ignore this at this point in time to make a statement to Topeka about where we stand on Home Rule.
- Mayor Mayans Mayor Mayans stated that Home Rule is important to him also but that he does not want to do something that is illegal. Stated that he feels comfortable that the Director of Law and his legal staff have indicated what we should do and does not want to not be in compliance. Stated that we should write to our legislatures and tell them that we disagree with them on this issue.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 477

- Council Member Fearey Council Member Fearey stated that with some of the things mentioned by Mr. Johnston, if maybe the Council should defer this until Gary Rebenstorf has had more time to look at the part regarding the seller and the Council Members have more time to think over the impacts of this on state rule and talk to some of these representatives. Stated that she does not see where this would cause great hardship if we deferred this for a month or so until we were comfortable with it.
- Gary Rebenstorf Director of Law stated that the state law goes into effect on July 1, 2005 and if the ordinance is going to be adopted it has to be adopted before that date otherwise we would not be in compliance with state law and that he would have concerns with that.
- Council Member Fearey Council Member Fearey stated that she does not see that there would be any logical consequences if we defer this until the July 19<sup>th</sup> meeting. Stated that this is going against a vote of the people of Wichita and that she is not sure if they realize what happened.
- Motion-- Fearey moved to defer this issue until the July 19, 2005 Council Meeting and ask staff to look into it and visit with Mr. Johnston and give the Council time to visit with some of our state representatives.
- Council Member Gray Council Member Gray stated that the law department has looked at this for over a month and that we are doing this to comply with state rule. Asked Council Member Fearey what the outcome would be by deferring this, it is not an issue that the legal department did not look at it efficiently and that this may be contrary to a lot of people's opinions but no new outcome is going to come from delaying this for several weeks and that he will not support the deferral.
- Council Member Brewer Council Member Brewer stated that he does not think you can get anything changed because the state has already voted on this issue. Stated that he does feel that we should give Council Member Fearey the opportunity to go out and talk to the legislature. Stated that you will not gain or lose anything by waiting the couple of weeks but to be more educated on this particular bill.
- Mayor Mayans Mayor Mayans stated that he does not want to send a message that we want to be the first City to upstage the legislature on this issue. Stated that he is very comfortable with legal staff and does not want to be known as the Council who challenged the legislature especially when the senator and the legislatures are from our own area. Stated that there are other ways to do this. Stated that they were very good to have supported the arena and other things in our community and would like to change our relationship with them.
- Council Member Skelton Council Member Skelton asked Gary Rebenstorf if he agrees or disagrees with his statement that the state passed the law and it is the City's responsibility to conform with the law.
- Gary Rebenstorf Director of Law stated yes it is the City's responsibility to conform with the law and that he disagrees with Mr. Johnston wholeheartedly in that the language of the statute in section 10, says "no City or county shall adopt any ordinance, resolution, regulation, no agent of any City shall take any administrative action governing the purchase transfer, ownership, storage or transportation of firearms or ammunition or any component or combination thereof, other than those expressly authorized by the statute and any such ordinance, resolution, regulation adopted prior to the effective date of this act shall be null and void." Stated that our ordinances that have to deal with the purchase, the sale, or anything that is contrary to this state law is now null and void as of July 1, 2005. Stated that he does not see that we have any authority to say anything different.
- Council Member Martz Council Member Martz stated that he has said from the start of when he first came on Council that if any issue comes up and if another Council Member asks for a deferral that he will honor that request.
- Council Member Schlapp Council Member Schlapp stated that she has no argument with the City attorney or the State of Kansas and if one of the members of our Council has some questions that they need to have answered and it can be done without causing any disruption in the changing of the law, she would acknowledge that right to have a deferral.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 478

Gary Rebenstorf Director of Law stated that his legal opinion is that yes this would be a problem if we defer this from the standpoint of that we will have ordinances on the books that the legislature says that we cannot enforce, we will have ordinances on the books that are in conflict with what the legislature has adopted and we will have a police department that cannot enforce this and there is no City ordinance covering this and we would have to take it to the District Attorney for the District Attorney to prosecute any type of gun issue. Stated that the Council should adopt this ordinance and have it in effect before July 1, 2005 in order that we do not have those types of problems.

Council Member Schlapp Council Member Schlapp asked Council Member Fearey if she would withdraw her motion.

## Withdrawn

--withdrawn Motion was withdrawn with consent of the second.

Council Member Fearey Council Member Fearey stated that the reason she had requested a deferral had nothing to do with any broader issues other than Mr. Johnston had brought up a point and that when Gary Rebenstorf brought up that section, she did not hear seller mentioned specifically and does think that there are some questions here and that she wanted time to look into them. Stated that she understands that a deferral is going to cause problems with our police department and she does not want to do that.

Motion--carried Mayans moved that the Ordinance be placed on first reading. Motion carried 6 to 1, (Fearey no).

## ORDINANCE

An Ordinance amending sections 5.88.010, 5.88.020, 5.88.030, and 5.89.020 of the code of the City of Wichita, Kansas, pertaining to Firearms, Sales Permits and Dealer Licenses and repealing the originals of sections 3.08.050, 5.88.010, 5.88.015, 5.88.020, 5.89.030, 5.89.020, 5.89.030 and 5.89.100 of the code of the City of Wichita, Kansas.

## WORTHLESS CHECK AMENDMENTS TO SECTION 5.42.020 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE CRIME OF GIVING A WORTHLESS CHECK.

Gary Rebenstorf Director of Law reviewed the item.  
(Council Member Gray momentarily absent)

Agenda Report No. 05-0605

Currently, if a person issues a worthless check in an amount less than \$500, the person can be criminally prosecuted for the misdemeanor crime of Giving a Worthless Check. During the 2005 legislative session, the Kansas Legislature expanded misdemeanor jurisdiction over worthless check cases, mandating that any worthless check issued under the amount of \$1,000, is a misdemeanor effective July 1, 2005.

The amendment should be passed, in order to comply with the legislative mandate expanding misdemeanor jurisdiction over worthless check cases, pursuant to Senate Bill No. 72.

The City of Wichita Law Department drafted the amended ordinance and approved it as to form.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved that the ordinance be placed on first reading and authorize the necessary signatures.  
--carried Motion carried 6 to 0, (Gray absent).

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 479

## ORDINANCE

An Ordinance Amending Section 5.42.020 of the code of the City of Wichita, Kansas, pertaining to the Crime of Giving A Worthless Check and Repeal of the original section 5.42.020.

### NAME CHANGE

### ENVIRONMENTAL HEALTH DEPARTMENT NAME CHANGE.

Kay Johnson

Director of Environmental Health reviewed the item.

(Council Member Skelton momentarily absent).

Agenda Report No. 05-0606

Prior to restructuring of the Wichita-Sedgwick County Department of Community Health into separate City and County agencies, Environmental Health functioned as a division within the joint agency. Upon separation of the City and County functions, Environmental Health became a City department with responsibility for all City program activities.

Activities of the department have continued to evolve, as staff addresses public health and environmental protection concerns, and provides consultative services to other departments and City management. In addition to direct services for citizens and businesses, regulatory activity, and education, the agency has become involved in internal environmental compliance, economic development, and similar internal City service functions. Management believes that "Environmental Services" better conveys the variety of activities conducted, and underscores the priority placed on customer service. The designation of Environmental Health and Environmental Protection divisions within the department maintain the necessary identification of function for partner agencies on the state and federal level.

Printed materials will be replaced as existing stocks are exhausted. Minor changes to signage will be made using existing funds, in conjunction with normal maintenance and replacement practices.

The Department of Law has drafted the implementing ordinance. Existing statutory references to the agency will apply to the Environmental Services Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

John Davis

Mr. Davis stated that he resides at 431 North Quintin and has lived in the City for almost 36 years and is retired from Wichita/Sedgwick County Department of Community Health, where he worked for 30 years in environmental health. Stated that environmental health and environmental services are two totally different areas of protection and have different missions. Environmental health is the job of protecting the citizenry from the environment both natural and manmade. Stated that environmental services is the job of protecting the citizenry from manmade perils and situations and often revolves around visible safety issues. Asked the Council to reject the name change and to maintain the original name structure, which has been in use for some 40 years and is understood throughout the community.

(Mayor Mayans momentarily absent and Vice-Mayor Schlapp in the chair)

William Draper

Mr. Draper stated that he resides at 1035 North McLean Boulevard and that last night he was in environmental court on an issue that was more of a revenue issue than an environmental issue and that when he tried to question the sanitarian about the purpose of her department and her responsibilities, she stammered over that issue and could not figure out what her duties were and those of her department and articulate them rapidly. Stated that if we do not anchor the idea of the department to the idea of health in the community, then we allow it to wonder out into ever expanding circle of "services" that the community may or may not want. Urged the Council not to drop the word "Health" because that anchors it to a definable concept.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 480

Cybil Strum

Ms. Strum stated that the environmental health department is a great name but can be devious. Stated that they have been known to make several citizens homeless and thinks the environmental court is crooked.

Council Member Gray

Council Member Gray stated that we have heard over the past months that several branches have been changing their names and asked the City Manager about the insurgence and fascination with changing all of these department names. Stated that you are always going to get people that are going to call the environmental department, looking for something else. There will be a portion of people who will never understand where to go when it comes to dealing with this building, it is a function of reality. Stated that some of these name changes have been supposedly in the name of making it more efficient for the consumer. Stated that the housing department is planning on changing their name to the Department of Community and Housing Services, whereas in the community there is a non-profit organization called Housing and Community Services, which we give money to through CDBG. Stated that this will create confusion.

George Kolb

City Manager explained that they had intended to bring all of these to the Council at one time during budget and have that discussion at that time. Stated that environmental services has evolved into other services and they are trying to be more descriptive, more user friendly and more customer friendly with the titles as they describe more accurately what they are doing. Stated we are trying to distinguish between the technical come into a health clinic, to actually providing customer services that are related to the environment to the community. Stated that regarding name changes for the other departments we are looking at the same types of issues as they evolve to cover more areas or more services to the community and are trying to be description in the names so that it will help citizens to identify what is going on. Stated that in terms of the Housing Services Department, they have broaden that function to include all of its current operations but also to look at doing neighborhood services, community development types of activities rather than just focusing on housing.

Motion--  
--carried

Mayans moved that the implementing ordinance be approved and the necessary signatures authorized. Motion carried 7 to 0.

## ORDINANCE

An ordinance amending section 2.08.120 and 2.08.190 of the code of the City of Wichita, Kansas, pertaining to the creation and the organization of city departments and repealing the originals of said sections.



# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 481

## PLANNING AGENDA

Motion-- Mayans moved that the Planning Consent Items 31 to 37 be approved as presented. Motion  
--carried carried 7 to 0.

**ZON2004-00067** **ZON2004-00067-ZONE CHANGE FROM LIMITED COMMERCIAL AND MULTI-FAMILY  
RESIDENTIAL TO GENERAL COMMERCIAL. GENERALLY LOCATED AT THE  
SOUTHWEST CORNER OF HYDRAULIC AVENUE AND 13TH STREET NORTH.  
(DISTRICT I)**

John Schlegel Planning Director reviewed the item.

(Council Member Martz momentarily absent)

Agenda Report No. 05-0607

MAPC Recommendations: Deny (6-4), but rezone the "B" Multi-family Residential zoned lot to "LC" Limited Commercial, to match the rest of the site's "LC" zoning.

MAPD Staff Recommendations: Deny, but rezone the "B" Multi-family Residential zoned lot to "LC" Limited Commercial, to match the rest of the site's "LC" zoning.

DAB Recommendations: DAB I voted (8-0) to deny the request for "GC" zoning with the Protective Overlay and to deny a Conditional Use for a car sales lot, but rezone the "B" Multi-family Residential zoned lot to "LC" Limited Commercial, to match the rest of the site's "LC" zoning.

The applicant requests a zone change from "LC" Limited Commercial and "B" Multi-family Residential to "GC" General Commercial on Lots 289 – 295, the Granville Park Addition. Lots 289-294 are currently zoned "LC" and Lot 295 is zoned "B". The subject properties are located on the southwest corner of Hydraulic Avenue and 13th Street North. The applicant proposes redevelopment of the property for used car sales and auto bodywork and painting. The "GC" zoning district allows outdoor vehicle and equipment sales and auto bodywork and painting.

The subject site currently has a vacant 1,000 square foot gas station building on it. The applicant proposes to build an additional 2,400 square foot building behind it for auto mechanical work, bodywork and painting. The applicant proposes to use the vacant building as office space for both of the proposed uses. The applicant has proposed to enclose the area where the paint and body works will be located with a privacy fence, a 5-foot landscape buffer on its south side where it abuts the American Legion Hall, and on its east and west sides where it is adjacent to residential zoning. The applicant has also proposed to close the entrances onto the site from Pennsylvania Avenue.

East of the subject site and across Hydraulic Avenue are a dentist office, zoned "LC", and single-family residences, zoned "LC" and "B". South of the subject site there is American Legion Post 273, zoned "LC", and single-family residences, zoned "B" and "SF-5" Single-family Residential. West of the subject site, across Pennsylvania Avenue, there is a vacant lot zoned "LC" and single-family residences zoned "SF-5". North of the subject site, across 13th Street North, there is a car sales lot, a warehouse, a bar and a neighborhood retail strip containing a self-service laundry, barber and beauty shops and some vacant space. All of these developments are zoned "LC".

The applicants had originally requested a zone change to "GC" General Commercial on Lots 289 – 295, the Granville Park Addition, to allow used car sales and an auto body and paint shop. At the January 13, 2005 MAPC meeting, the applicant changed his request to "GC" zoning with a Protective Overlay. The provisions of the proposed Protective Overlay are:

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 482

- (1) Allow auto bodywork and painting and outdoor vehicle and equipment sales as the only permitted "GC" uses.
- (2) Enclose the area where the paint and body works would be located with a privacy fence and with a 5-foot landscape buffer on its south side where it abuts the American Legion Hall, and on its east and west sides where it is adjacent to residential zoning.
- (3) Close the entrances onto the site from Pennsylvania Avenue.

Planning Staff made two recommendations:

- (1) Deny the requested "GC" zoning, but rezone the southern most lot (Lot 295) zoned "B" to "LC", to match the rest of the site's "LC" zoning. This recommendation was based on the requested zoning not matching the intent and goals of the McAdams Rezoning Ordinance and the McAdams Revitalization Plan.
- (2) If the Planning Commission finds a car sales lot as an appropriate use for this site, rezone the site's "B" zoned lot (Lot 295) to "LC" Limited Commercial to match the rest of the site's "LC" zoning and approve a Conditional Use for vehicle sales outdoors, subject to the following conditions:
  1. All requirements of Article III, Section III.D.6.x. of the Unified Zoning Code (UZC) shall be met. Any variance from Article III, Section III-D, 6.x of the UZC would require a waiver approved by the Wichita City Council.
  2. In addition to uses permitted in the "LC" Limited Commercial district, the site shall be limited to the sales of cars and light trucks. No sale or rental of trailers, vehicles or trucks larger than pick ups. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business.
  3. The applicant shall dedicate by separate instrument an additional 10-feet of street right-of-way along the property's 13th Street North frontage within six months of final approval of the Conditional Use.
  4. The applicant shall dedicate by separate instrument complete access control along the site's Hydraulic Avenue and Pennsylvania Avenue frontages. Where existing access is currently located on these frontages, the applicant shall guarantee the continuation of the curb, per City Standards.
  5. No elevated display areas.
  6. Parking spaces for employees and customers shall be provided on the property as required by the UZC and in conformance with the standards established by the City Traffic Engineer. The parking spaces shall be marked and designated for employees and customers and shall not be used for display or storage of vehicles for sale, unless an employee drives the vehicle. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business unless additional parking spaces for such businesses are provided per a revised site plan approved by the Planning Director.
  7. No outside storage of salvaged vehicles or parts shall be permitted in association with this use.
  8. A landscape plan, per the Landscape Ordinance, shall be submitted, including landscaped street yards and a landscape buffer along the south side of the site and the east and west sides where the site is adjacent to residential zoning, which shall be provided and maintained on the property as approved by the Planning Director.
  9. A revised site plan reflecting the conditions of approval (including Section III.D.6.x. of the Unified Zoning Code) shall be submitted for approval by the Planning Director within six months of approval of the Conditional Use by the MAPC or governing body, as applicable. The site plan shall include a 6-foot wooden, stockade type fence located on the south side of the site and along the eastern and western portions of the site where it is adjacent to residential zoning, all lighting, including those on the building, the location and size of the office and garage space within the current building and any additional buildings, approved signage and solid screening around the trash receptacle.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 483

10. The site shall be developed in general conformance with the approved site plan and landscape plan. All improvements shown on the approved site plan and landscape plan shall be completed within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
11. The site shall be developed and operated in compliance with all federal, state and local rules and regulations.
12. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

During the January 13, 2005 MAPC meeting, the applicant was asked if he would agree to a Conditional Use to allow car sales, but not the auto body and paint shop. The applicant replied no; he wanted both the car sales lot and the auto body and paint shop. A motion was made to defer consideration of the case for 30 days to allow the District Advisory Board (DAB) I to consider whether they wanted to hear this case. A substitute motion was then made to approve the rezoning of the "B" zoned lot to "LC". This motion failed 3-7. The original motion to defer consideration of the case for 30 days to allow DAB I to consider this case was then approved 9-1. No one spoke in opposition to the requested zone change at this MAPC meeting.

DAB I considered this case at their February 7, 2005 meeting. Several members of the public in attendance at the DAB meeting spoke against the requested zoning change to "GC" with the Protective Overlay and against the zone change of the "B" zoned lot to "LC" with a Conditional Use to allow car sales at the site. The members of the public speaking against both of these proposed actions felt they were contrary to the intent and goals of the McAdams Rezoning Ordinance and the McAdams Revitalization Plan. During the meeting, the applicant was asked if it was acceptable to him if the "B" zoned lot was rezoned to "LC" with a Conditional Use to allow car sales at the site, without the whole site being rezoned "GC" to allow the auto body and paint shop. The applicant replied that he wanted both the car sales lot and auto body and paint shop. DAB I voted (8-0) to deny both the requested zoning change to "GC" with the Protective Overlay and against the zone change of the "B" zoned lot to "LC" with a Conditional Use to allow car sales at the site. The DAB voted to rezone the "B" zoned lot to "LC" to match it with the rest of the site's "LC" zoning.

The MAPC reconsidered this case at their February 10, 2005 meeting. At this meeting, one person spoke in opposition to the requested zoning to "GC" with the Protective Overlay to allow the car sales and the auto body and paint shop and against the zone change of the "B" zoned lot to "LC" with a Conditional Use to allow car sales at the site. During the meeting, the applicant again stated that he would not be agreeable to only the rezoning of the "B" zoned lot to "LC" with a Conditional Use to allow car sales at the site. The applicant wanted the "GC" zoning, with the Protective Overlay, allowing both the car sales lot and the auto body and paint shop. The applicant also objected to condition #3 of the proposed Protective Overlay, which is the dedication of 10-foot of right-of-way along the site's 13th Street frontage. A motion was made to deny the request for the "GC" zoning with the Protective Overlay, but to only rezone the "B" zoned lot to "LC" to match the rest of the site's "LC" zoning. The motion failed 3-6. A motion was then made and approved, 6-3, to approve the "GC" zoning with Protective Overlay #154:

- (1) Allow auto bodywork and painting and outdoor vehicle and equipment sales as the only permitted "GC" uses.
- (2) Enclose the area where the paint and body works would be located with a privacy fence and with a 5-foot landscape buffer on its south side where it abuts the Legion Hall and on its east and west sides where it is adjacent to residential zoning
- (3) Close the entrances onto the site from Pennsylvania Avenue

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 484

Staff has received written protest against the requested zoning change with the protective overlay that represent 21.58% of the protest area. When a 20% or greater protest exists, a zoning change cannot be approved except by at least a ¾ vote of all members of the governing body.

The Wichita City Council considered this request at their May 3, 2005 meeting and voted (7-0) to send it back to the MAPC for reconsideration. During the Council meeting, Councilman Brewer noted that DAB I had recommended rezoning only the south most lot from "B" to "LC", and to deny both the request for "GC" zoning with a protective overlay allowing car sales and an auto body and paint shop on the site, and a Conditional Use for car sales on the site, with "LC" zoning on the southern most lot.

The MAPC voted (6-4) at their May 26, 2005 meeting to rezone Lot 295, the Granville Park Addition from "B" Multi-family Residential to "LC" Limited Commercial, as was recommended by DAB I.

The ordinance has been reviewed and approved as to form by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved to concur with the findings of the MAPC and approve the zone change from "B" Multi-family Residential to "LC" Limited Commercial on Lot 295, the Granville Park Addition and deny the requested zone change from "LC" Limited Commercial to "GC" General Commercial (requires a ¾ vote of all members of the governing body) and place the ordinance establishing the zone change on first reading. Motion carried 7 to 0.

--carried

## ORDINANCE

An Ordinance changing the Zoning Classifications or Districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended.

ZON2005-00015

**ZON2005-00015-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED INDUSTRIAL WITH A PROTECTIVE OVERLAY DISTRICT TO LIMIT PERMITTED USES AND PROVIDE SCREENING/BUFFERING. GENERALLY LOCATED SOUTH OF 37TH STREET NORTH AND WEST OF BROADWAY. (DISTRICT VI)**

John Schlegel

Planning Director reviewed the item.

(Council Members Brewer and Schlapp momentarily absent)

Agenda Report No. 05-0608

MAPC Recommendations: Approve, subject to conditions, vote (9-1).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Approve, subject to conditions, vote (9-0).

The applicant requests a zone change from "SF-5" Single-Family Residential to "LI" Limited Industrial with a Protective Overlay District to limit permitted uses and provide screening/buffering on a 10.1-acre unplatted tract located south of 37th Street North and west of Broadway. As stated in the attached letter, the applicant proposes that the subject property be limited to the following uses: outdoor storage of concrete products and materials related to the manufacturing of concrete products, and accessory structures and uses related to the storage and/or maintenance of stored materials and products. The applicant also proposes that an eight-foot high concrete/masonry wall be provided along the south and west property lines and that a 50-foot deep landscape buffer with trees planted every twenty feet (including existing trees) be provided along the south and west property lines. The applicant also proposes to permit a bike path to be located through the western portion of the landscape buffer. The applicant proposes to limit the height of stored materials and to provide a maintenance program for limiting blowing dust. Similar conditions also are proposed through a voluntarily offered restrictive

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 485

covenant for the applicant's industrially zoned property that is located immediately east of the subject property.

The surrounding area is characterized by a mixture of industrial and residential uses, with the industrial uses primarily located to the east. Most of the properties to the north, south, and west are zoned "SF-5" Single-Family Residential and are developed with single family residences, but are separated from the subject property by drainage ditches on the north and west. Most of the properties to the east are zoned "LI" Limited Industrial and are developed with various industrial uses.

Since adjacent properties have residential zoning, the Unified Zoning Code (UZC) requires screening along the south and west property lines. The proposed eight-foot high concrete/masonry wall meets the UZC screening requirement. The Landscape Ordinance requires landscape buffering along the south and west property lines and a landscaped street yard along the north property line. The proposed 50-foot deep landscape buffer with trees every 20 feet far exceeds the buffering requirements of the Landscape Ordinance.

At the DAB meeting on May 2, 2005, several surrounding property owners spoke in opposition to the request and cited concerns that the request was not in keeping with the character of the neighborhood, would be a visual blight on the area, would decrease property values, would generate dust and noise and should be located in an area where industrial uses are already an established use. The DAB voted (9-0) to recommend approval of the request subject to the conditions stated in the attached document. At the MAPC meeting on May 12, 2005, surrounding property owners again spoke in opposition to the request and cited the same concerns as expressed at the DAB meeting. The MAPC voted (9-1) to recommend approval of the request subject to the conditions stated in the attached document. The MAPC recommendation contains several changes to the conditions of approval recommended by staff and the DAB. The MAPC recommends reducing the landscaped buffer along the south property line from 50 feet to 30 feet, not requiring a doubling of the number of trees or evergreen trees in the landscape buffer, locating the detention pond at the south end of the property and requiring storage of materials to begin at the north end of the property.

Written protest petitions have been received from property owners representing 40.09 percent of the land area within 200 feet of the subject property as well as from numerous other property owners that own land located more than 200 feet from the subject property. Since the area of land owned by protestors exceeds 20 percent of the land area within 200 feet of the subject property, approval of the zone change request will require a three-fourths majority vote of the City Council (6 affirmative votes).

The ordinance has been reviewed and approved as to form by the Law Department.

Council Member Fearey Council Member Fearey stated that the neighbors have some reason to be concerned in that for some reason before any of the Council were here, the land that the company is currently on, was zoned correctly and they went in there by right, they did not have to have landscaping and did some things that were not neighborhood friendly. Stated that she thinks that the company has spent the last year becoming much more neighborhood friendly. Stated that she understands the neighbors concerns but thinks by passing this, we will get to a point where for the entire neighborhood, it will be better.

Motion-- Fearey moved to adopt the findings of the MAPC with two small changes, one is under their recommendations number three that there shall be a 50 foot landscape buffer maintained along the west and south line of the subject property in conjunction with the solid screening wall and then remove the last sentence in that item and under number five, the detention pond required by the plat shall be located at the north end of the subject property, which will allow for more natural buffering at the north end and also keep these potential mosquito problems that we have with standing water away from the neighborhood; approve the zone change subject to the additional provisions of protective overlay District #156 and instruct the planning department to place the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

--carried

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 486

## ORDINANCE

An Ordinance changing the Zoning Classifications or Districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended.

### WOODED ACRES

#### **SUB 2005-31-PLAT OF WOODED ACRES ADDITION, LOCATED WEST OF GREENWICH ROAD AND NORTH OF 31ST STREET SOUTH. (COUNTY)**

Agenda Report No. 05-0609

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (9-0)

This unplatted site, consisting of one lot on five acres, is located in the County within three miles of Wichita's city limits. The site is zoned Single-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for future sewer and water improvements. County Code Enforcement has approved on-site sewerage facilities.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

## RESOLUTION NO. 05-327

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90091 (west of Greenwich, north of 31<sup>st</sup> street south) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## RESOLUTION NO. 05-328

Resolution of findings of advisability and Resolution authorizing construction of Lateral 376, Four Mile Creek Sewer (west of Greenwich, north of 31<sup>st</sup> street south) 468-84041 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 487

## **ROYAL MAGNOLIA     SUB2005-34-PLAT OF THE ROYAL MAGNOLIA ADDITION, LOCATED ON THE SOUTH SIDE OF 37TH STREET NORTH AND WEST OF MAIZE ROAD. (DISTRICT V)**

Agenda Report No. 05-0610

Staff Recommendation:    Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

This site, consisting of three lots on 16.1 acres, is located within Wichita's city limits. A zone change (PUD 2005-01) from SF-5, Single-family Residential District to PUD, Planned Unit Development has been approved for this site.

Petitions, all 100 percent, and a Certificate of Petitions have been submitted for paving, sanitary sewer and water main improvements.

A Cross-lot Drainage Agreement for lots one and three has been provided. To guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings, a Drive Approach Closure Certificate has been submitted. Also, Cross-lot Access Agreement was submitted that permits cross-lot access through lot two for the benefit of lot three.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until such time as the plat is recorded with the Register of Deeds.

The Certificate of Petitions, Cross-lot Drainage Agreement, Drive Approach Closure Certificate and Cross-lot Access Agreement will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized; the Resolutions adopted and the Ordinance placed on first reading. Motion carried 7 to 0.

### ORDINANCE

An Ordinance changing the Zoning Classifications or Districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended.

### RESOLUTION NO. 05-329

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90090 (south of 37<sup>th</sup> street south, west of Maize) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

### RESOLUTION NO. 05-330

Resolution of findings of advisability and Resolution authorizing construction Lateral 12, Main 7, Northwest Interceptor Sewer (south of 37<sup>th</sup> street south, west of Maize) 468-84038 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 488

WEST 162<sup>ND</sup> ADD.

**SUB2005-11-PLAT OF WEST 162ND ADDITION, LOCATED EAST OF 167TH STREET WEST AND SOUTH OF MAPLE. (DISTRICT V)**

Agenda Report No. 05-0611

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (11-0)

This unplatted site, consisting of two lots on 2.6 acres, has recently been annexed into Wichita's city limits and is zoned SF-5, Single Family Residential District.

Petitions, all 100%, and a Certificate of Petitions have been submitted for sewer and water improvements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the document and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

**RESOLUTION NO. 05-331**

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90088 (east of 167<sup>th</sup> street west, south of Maple) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

**RESOLUTION NO. 05-332**

Resolution of findings of advisability and Resolution authorizing construction of Lateral 48, Cowskin Interceptor Sewer (east of 167<sup>th</sup> street west, south of Maple) 468-84030 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

VAC2005-00019

**VAC2005-00019-REQUEST TO VACATE A PORTION OF A PLATTED STREET SIDE SETBACK, GENERALLY LOCATED NORTH OF 13TH STREET NORTH AND EAST OF ROCK ROAD, MORE SPECIFICALLY ON THE NORTHEAST CORNER OF THE CRESTWOOD STREET AND CRESTWOOD COURT INTERSECTION. (DISTRICT II)**

Agenda Report No. 05-0612

Staff Recommendation: Approve  
MAPC Recommendation: Approve (Unanimously)

The applicants are requesting consideration to vacate the west 10-feet of the platted 25-foot street side yard setback, along its north 97.50-feet of length. The applicant proposes to build a lap pool and a lap pool enclosure. The Unified Zoning Code has a minimum street side yard setback line of 15-feet in the "SF-5" Single-family Residential zoning district, which is the zoning district that the site is located in. There are no franchised utilities, sewer lines, manholes or water lines in the setback. The Country Place Estates Addition was recorded with the Register of Deeds on March 21, 1979.



# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 489

The MAPC voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

**VAC2005-0020**

**VAC2005-0020-REQUEST TO VACATE A PORTION OF THE PLATTED FRONT SETBACK, GENERALLY LOCATED ALONG 135TH STREET WEST MIDWAY BETWEEN MAPLE STREET AND KELLOGG AVENUE, MORE SPECIFICALLY ON THE SOUTHEAST CORNER OF THE 135TH STREET WEST AND LINKS STREET INTERSECTION. (DISTRICT V)**

Agenda Report No. 05-0613

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

The applicants are requesting consideration to vacate 6-inches of the platted 20-foot front yard setback. Upon purchase of the property, the applicant was required to have a mortgage title survey, which revealed the garage roof encroaching less than a foot into the platted 20-foot front yard setback. To obtain title insurance, the applicant is required to vacate the setback where the encroachment is located. There is a platted 15-foot utility/drainage easement that is within the platted 20-foot set back. There is a sewer line and manhole in the platted 15-foot utility/drainage easement. There are no franchised utilities, sewer lines, manholes or water lines in the platted setback. The Auburn Hills 9th Addition was recorded with the Register of Deeds on March 1, 1999.

The MAPC voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

**SECTION 106 HUD**

**PROGRAMMATIC AGREEMENT REGARDING THE ADMINISTRATION OF THE SECTION 106 REVIEW FOR HUD FUNDED PROJECTS.**

Agenda Report No. 05-0614

In accordance with the City of Wichita's "Consolidated Plan", the City staff administers Federal Housing and Urban Development (HUD) grant funds. In order for these local projects to be eligible for federal funding, an environmental assessment must be completed to ensure that there are no negative impacts to people or the environment as a result of the proposed project. The environmental review process includes a Section 106 review where a determination of adverse effect on historic properties is made. Currently, City staff is limited in the scope of projects they may review and must transmit projects to the State Historic Preservation Officer (SHPO) for review. This programmatic agreement will expand the existing agreement between the City and the SHPO by increasing the number of activities that City staff is allowed to review without consulting the SHPO.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 490

The execution of this agreement will streamline and shorten the Section 106 review process for HUD funded projects by increasing the number of activities that City staff may authorize without first consulting the SHPO, thereby reducing the amount of time necessary for projects to be reviewed and approved.

The Law Department has reviewed the agreement and approved as to form.

Motion--  
--carried

Mayans moved that the City Manager be authorized to sign the Programmatic Agreement. Motion carried 7 to 0.

**A05-12**

**A05-12R-REQUEST BY GARY B. AND JANET HOOVER TO ANNEX LAND GENERALLY LOCATED SOUTH OF 37TH STREET NORTH BETWEEN MAIZE AND 119TH STREET WEST. (DISTRICT V)**

Agenda Report No. 05-0615

The City has received a request to annex 1 acre of land generally located south of 37th Street North between Maize and 119th Street. The annexation area abuts the City of Wichita to the north and east. In addition, a plat is currently being requested for final approval for this proposed annexation area and the adjoining tract of land to the east. The property owner proposes to utilize this area of land as a utility easement.

**Analysis:**

**Land Use and Zoning:** The proposed annexation area consists of a 1 acre, 70 ft. wide, privately-owned right-of-way easement that is incorporated with the Royal Magnolia plat that is currently being requested for final approval concurrent with this annexation. The property is currently zoned "SF-20" Single-Family Residential. Upon approval of the annexation and the plat, the property will convert to a "PUD" Planned Unit Development. The resolution establishing the PUD zone change shall not be published until the plat has been approved and recorded with the Register of Deeds.

Property to the north of the annexation area is zoned "SF-5" Single-Family Residential, while property to the northeast is zoned "LC" Limited Commercial. Property to the west is within the City of Maize. The annexation of this property is consistent with the current working agreement between the City of Maize and the City of Wichita regarding long-term, coterminous boundaries.

**Public Services:** The annexation area is currently being used to provide access to a property located to the southwest. As a condition of the Royal Magnolia plat approval, the property owner will convert the annexation area into a drainage and utility easement. A private access agreement will also be established to provide the southwest property owner access to his/her property.

**Street System:** The annexation area borders 37th Street North, which is a paved, two-lane arterial road. According to the City of Wichita Capital Improvement Program (CIP) 2004-2013, 37th Street North is scheduled for improvements from Maize to Tyler. According to the Sedgwick County Capital Improvement Program 2005-2009, 119th Street from 29th to 53rd Street is scheduled for improvements in 2009. The 2004 Transportation Improvement Program does not call for improvements near the proposed annexation site.

**Public Safety:** Fire services to this site can be provided by the City of Wichita within a nine (9) to ten (10) minute approximate response time from City Station No. 16 located at 1632 North Tyler. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

**Parks:** The Sunset Park, a 19-acre park, is located approximately 3 miles southeast of the proposed annexation area. According to the 1996 Parks and Open Space Master Plan, a proposed pathway has been proposed that would run along Maize Road - east of the subject property.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 491

School District: The annexation area is part of the Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation area falls within the 2030 Wichita Urban Service Area as shown in the Plan.

The subject property is incorporated with the Royal Magnolia plat. The appraised and assessed value of this property is not available at this time.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--  
--carried

Mayans moved that the annexation request be approved and the Ordinance placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas. (A05-12)

## HOUSING AGENDA

Motion--carried

Mayans moved that the Housing Consent items be approved as presented. Motion carried 8 to 0.

## ACOP

## ADMISSIONS & CONTINUED OCCUPANCY POLICY, ACOP.

Agenda Report No. 05-0616

Public housing authorities are required by Department of Housing and Urban Development (HUD) regulations to adopt and maintain admission, occupancy and waiting list policies, and to revise them as necessary. The last time that the Wichita Public Housing Program revised its Admissions & Continued Occupancy Policy (ACOP) was on February 8, 2005.

HUD has directed housing authorities to include language in the ACOP relative to the use of up-front income verification (UIV) including centralized computer matching systems. The Wichita Housing Authority (WHA) proposes to revise its policy regarding the use of UIV systems, to include the required language. The proposed revision is attached.

Motion--  
--carried

Mayans moved that the Admissions and Continued Occupancy Policy revision for the administration of the Public Housing Program be reviewed and approved; the resolution adopted and the necessary signatures authorized. Motion carried 8 to 0.

## RESOLUTION NO. H-05-04

The Housing Advisory Board certifies the inclusion of language relative to the use of available UIV systems into the Public Housing Admissions and Continued Occupancy Policy, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 492

## SECTION 8

### SECTION 8 ADMINISTRATIVE PLAN.

Agenda Report No. 05-0617

Housing authorities are required by Department of Housing and Urban Development (HUD) regulations to adopt and maintain admission, occupancy and waiting list policies, and to revise them as necessary. The last time that the Wichita Section 8 Program revised its Administrative Plan was on February 8, 2005.

HUD has given the directive to housing authorities to include language in the Section 8 Administrative Plan relative to the use of up-front income verification (UIV) including centralized computer matching systems. The Wichita Housing Authority (WHA) proposes to revise its policy regarding the use of UIV systems. The proposed language is attached.

Motion--

Mayans moved that the Section 8 Administrative Plan revision for the administration of the Section 8 Program be reviewed and approved; the resolution adopted and the necessary signatures authorized.

--carried

Motion carried 8 to 0.

### RESOLUTION NO. H-05-05

The Housing Advisory Board certifies the inclusion of language relative to the use of available UIV systems into the Section 8 Administrative Plan, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

### AIRPORT AGENDA

Motion--carried

Mayans moved that the Airport Consent item be approved as presented. Motion carried 7 to 0.

## CARGO BUILDING

### SUPPLEMENTAL AGREEMENTS-CARGO BUILDING LEASE RENEWALS.

Agenda Report No. 05-0618

The cargo building was originally constructed in 1967 and expanded in 1979. The 31,500 sq.ft. facility currently houses 15 different tenants, and is located to the west and north of the terminal building on Mid-Continent Airport. Previous agreements have been for a three-year term; however, in anticipation that this building will be relocated to accommodate the terminal, these agreements are being renewed for a one-year period and then on a month-to-month commencing July 1, 2005.

The current lease agreements end June 30, 2005. Facility rental will remain at \$6.50 per sq. ft. for a one-year lease and \$7.50 per sq.ft. for a month-to-month lease agreement, based upon an earlier appraisal by the Martens Companies.

Total revenue generated from the existing agreements is \$197,080 per year.

Legal Considerations: The supplemental agreements have been approved as to form by the Department of Law.

Motion--

Mayans moved that the supplemental agreements be approved and the necessary signatures authorized.

--carried

Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 183

JUNE 21, 2005

PAGE 493

## CITY COUNCIL

### **BOARD APPTS.**

### **BOARD APPOINTMENTS.**

- Council Member Brewer Council Member Brewer requested that Jane Eschelman to the Library Board.
- Council Member Fearey Council Member Fearey requested that the following people be appointed: Rosalie Bradley to the Alternative Correctional Housing Board; Ron Doty and Brad Biddle to the Art and Design Board; Warren Willenberg to the Board of Codes Standards and Appeals; Janet Miller to the Board of Park Commissioners; Bickley Foster to the Board of Zoning Appeals; Nile Dillmore to the Community Corrections Advisory Board; Jim Guy the Historic Preservation Board; Tony Rangel to the Housing Advisory Board; Gerald Layman and Cathy Landwehr to the Library Board; Elizabeth Bishop to the Metropolitan Area Planning Commission; Troy Jordan to the Police and Fire Retirement Board of Trustees; Charles Fletcher to the Wichita Airport Advisory Board; Jean Schodorf to the Wichita Area Sister City Board. To her DAB VI Board: Rosalie Bradley, Marsha Carr, Jaya Escobar, Veronica Triana, Linda Matney, Bob Wine, Darcy Weaver, John Van Wallegghen, Bob Schreck, Mauriine Willis and Bickley Foster.
- Council Member Gray Council Member Gray requested that the following people be appointed: Carolyn Conley to the Wichita Employees Retirement Board; Mike Hastings to the Police and Fire Retirement Board. To his DAB IV Board the following: Damon Burrows, Doug Leeper, Michael Gisick, Marjorie Griffith, Joshua Blick, Mary Cockburn, Doug Schoen, Jim Benton, Tom Engleman, Edwin Koon and Jerry McGinty.
- Council Member Skelton Council Member Skelton requested that the following people be appointed: Gary Meyers to DAB III; Elena Engle to the Historic Preservation Board; and Marge Zakora Vaughn to the Library Board.
- Council Member Schlapp Council Member Schlapp requested that the following people be appointed: Bernard Hentzen to the Board of Code Standards and Appeals; Jim Ruane to the Board of Zoning Appeals; Tim Moore and Nance Ogle to the Library Board; David Moses to the Police and Fire Retirement Board; Peggy Brown to the Wichita Area Sister Cities Board and Don Baleski to the Wichita Employees Retirement Board.
- Mayor Mayans Requested that the following people be appointed: Cherry Lane Adams to the Board of Park Commissioners and reappoint Mary Scortino to the Wichita Area Sister Cities. Stated that he has a recommendation for the Wichita Airport Advisory Board nomination from County Commissioner Tom Winters who recommends that we appoint Dwight Greenley as their appointment from the county.
- Motion--carried Mayans moved that the appointments be made. Motion carried 7 to 0.
- Motion--carried Mayans moved at 12:34 p.m. to adjourn the meeting. Motion carried 7 to 0.
- Adjournment The City Council meeting adjourned at 12:34 p.m.

Respectfully submitted,

Karen Sublett  
City Clerk

\*\*\*Workshop followed in the First Floor Board Room\*\*\*